

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(Wichita Docket)

FILED
U.S. District Court
District of Kansas

DEC 13 2013

Clerk, U.S. District Court
By V. H. Smith Deputy Clerk

UNITED STATES OF AMERICA

Plaintiff,

v.

Case Number: 13-M-6261-01-KM#7

TERRY L. LOEWEN,

Defendant.

CRIMINAL COMPLAINT

I, Federal Bureau of Investigation Special Agent Stephen Cousineau, being duly sworn, state the following is true and correct to the best of my knowledge and belief, and establishes probable cause that the following offenses have been committed:

COUNT 1

On or about December 13, 2013, in the District of Kansas and elsewhere, the defendant,

TERRY L. LOEWEN,

attempted, without lawful authority, to use a weapon of mass destruction against people and property within the United States and such property is used in interstate and foreign

commerce, and the offense, and the results of the offense, would have affected interstate or foreign commerce.

All in violation of Title 18, United States Code, Section 2332a(a)(2)(D).

COUNT 2

On or about December 13, 2013, in the District of Kansas and elsewhere, the defendant,

TERRY L. LOEWEN,

maliciously attempted to damage and destroy, by means of an explosive, a building, vehicle and property used in an activity affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 844(i).

COUNT 3

On or about October 7, 2013, in the District of Kansas and elsewhere, the defendant,

TERRY L. LOEWEN,

knowingly attempted to provide material support and resources, in the way of services, personnel and property as that term appears in Title 18, United States Code, Section 2339A(b), to Al Qaida in the Arabian Peninsula (AQAP), a foreign terrorist organization that has been continuously designated since January 19, 2010, knowing that the organization was a designated terrorist organization, (as defined in Title 18, United States Code, Section 2339B(g)(6)) and that the organization engages in and has engaged in and was engaging in

terrorist activity (as defined in Section 212(a)(3)(B) of the Immigration and Nationality Act) and terrorism (as defined in Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

All in violation of Title 18, United States Code, Section 2339B(a).

The following facts were made known to me by personal observation or from information I received from other law enforcement officers, and/or from other individuals and does not contain all facts known to the agent, but only those facts sufficient to establish probable cause. Furthermore, statements of others, including those attributed to Terry Loewen, are set forth in substance and in part:

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI).
I have been employed as a Special Agent since September 25, 2011. I am currently assigned to the Wichita, Kansas, Resident Agency, Kansas City Division. Prior to service with the FBI, I was a Captain for the United States Army where I served for a total of six years. As a Special Agent of the FBI, I am authorized to investigate violations of laws of the United States, and I am a law enforcement officer with authority to execute arrest, search, and seizure warrants under the authority of the United States. I have participated in a wide variety of criminal investigations, to include white collar crimes, health care fraud, crimes against children, child exploitation, bank robbery, and other violent and non-violent Federal crimes. Additionally, I have participated in the preparation and/or execution of many search, arrests, and seizure warrants.

Background

2. AQAP is a Yemen based terrorist group that has claimed responsibility for several terrorist acts against the United States. On or about January 19, 2010, the United States Secretary of State designated AQAP as a foreign terrorist organization under Section 219 of the Immigration and Naturalization Act, and remains designated through the date of the complaint.
3. Terry Loewen (Loewen) is a U.S. person located in Wichita, Kansas. Loewen was born on July 18, 1955. On or about June 20, 2013, the FBI reviewed a copy of Loewen's valid U.S. passport that was attached to Loewen's Security Identification Display Area (SIDA) badge application and obtained from an employee at the Wichita Mid-Continent Airport. Loewen is a citizen of the United States. Information obtained by the FBI in May 2013 from the Kansas Criminal Justice Information System and FBI physical surveillance in September 2013 indicates that Loewen resides in Wichita, Kansas. As discussed below, Loewen is employed as an avionics technician for an aeronautics company.

Loewen's Interactions with FBI Employee 1

4. Loewen has engaged in online conversation with an individual who unbeknownst to him is an FBI employee (FBI Employee 1). Statements Loewen has made to FBI Employee 1 reflect his desire to engage in violent jihad¹ on behalf of al Qaeda. For example, on or about August 5, 2013, during a communication, Loewen told FBI Employee 1 in relevant part:

¹ "Jihad" is an Arabic term meaning "holy war," and while it has many different meanings, the defendant uses it to mean violent jihad.

As time goes on I care less and less about what other people think of me, or my views of Islam. I have been studying subjects like jihad, martyrdom operations, and Sharia law.² I don't understand how you can read the Qur'an and the sunnah³ of the Prophet (saw)⁴ and not understand that jihad and the implementation of Sharia is absolutely demanded of all the Muslim Ummah.⁵ I feel so guilt-ridden sometimes for knowing what's required of me but yet doing little or nothing to make it happen. I love my Muslim brothers and sisters, whether they agree with me or not, it's just hard to deal with the denial that some of them appear to be going through. I was texting a sister on line a week or two ago, and she insisted that jihad was wrong, that any pain Muslims were suffering was their own fault for not having enough iman,⁶ and that the Prophet never said apostates should be put to death. I do agree on one thing; the one thing we are doing wrong is that all 1.5 billion of us don't rise up against the rest of the world and tell THEM how it's going to be. Inshallah,⁷ it will happen soon.

Loewen closed his message by stating in relevant part,

One last thing I would like to make clear if I haven't already - I believe the Muslim who is labeled "a radical fundamentalist" is closer to Allah (swt)⁸ than the ones labeled "moderates". Just my opinion; if I'm off base, please set me straight.

² "Sharia" is the moral code and religious law of Islam.

³ "Sunnah" is an Arabic term meaning "direct path."

⁴ The initials SAW is an abbreviation for Salla Allahu 'Alaihi Wa Sallam which translated means May the blessings and the peace of Allah be upon him (Muhammad). This abbreviation is frequently used when the name of the Prophet Muhammad is spoken or used.

⁵ "Ummah" is an Arabic term meaning "the Islamic Nation."

⁶ "Iman" is an Arabic term meaning "faith or beliefs."

⁷ "Inshallah" or "Insha'Allah" is an Arabic term meaning "God willing."

⁸ The initials swt is an abbreviation for Subhanahu Wa Ta'ala which translated means "Allah is pure of having partners and He is exalted from having a son." This abbreviation is frequently used when the name of Allah is spoken or used.

5. On or about August 8, 2013, FBI Employee 1 offered to introduce Loewen to someone who could help him engage in violent jihad. In response to this offer, Loewen wrote in relevant part:

Brothers like Osama bin Laden and Anwar al Awlaki⁹ are a great inspiration to me, but I must be willing to give up everything (like they did) to truly feel like a obedient slave of Allah (swt). You stated you might be able to put me in contact with someone that might be able to help - not sure what that means, and I can't ask any direct questions, but with what I stated above, plus whatever I can impart to you in future correspondents [sic], perhaps you can better judge what it is I need. I in no way want to put you or any other brother in harms way - and that is a great concern of mine, so please be careful. I realize we don't know each other very well, and neither one of us knows who could be listening in, so please use caution. I very much appreciate your advice and offer of help (I certainly need it), but my love for fellow Muslims is much greater than my love for myself.

6. On or about August 17, 2013, Loewen informed FBI Employee 1 about his review of Awlaki articles and other al Qaeda-related texts. Loewen wrote in relevant part:

I have read Anwar Al-Awlaki's 44 ways of Jihad,¹⁰ and like everything I've ever read of his, it's very informative. . . . I have downloaded tens of thousands of pages on the subjects I mentioned earlier [referring to jihad, martyrdom operations and implementation of Sharia law]. Today I printed out something called the Al Qaeda Manual (or Manchester Manual),...

⁹ Prior to his death, Awlaki was a leader of al Qaeda in the Arabian Peninsula (AQAP). Awlaki helped recruit Umar Farouk Abdulmutallab, the man convicted of trying to blow up a transatlantic flight as it landed in Detroit, Michigan, on December 25, 2009. Awlaki is also believed to be behind the foiled attack in which two ink cartridge bombs, posted in Yemen, were intercepted in Britain and Dubai on their way to Chicago in the fall of 2010. Al Qaeda in the Arabian Peninsula (AQAP) claimed responsibility for this attempted terrorist attack. Awlaki used the Internet to engage in direct contact with individuals to encourage violent jihad, and was involved in the publication of "Inspire" magazine. According to open source reporting, Awlaki was killed on or about September 30, 2011, in Yemen.

¹⁰ "44 Ways to Support Jihad" is an essay that describes dying as a martyr, supporting the mujahideen, and encouraging others to engage in jihad.

7. On or about August 21, 2013, Loewen sent a message to FBI Employee 1

outlining his ideas for engaging in violent jihad. He stated in relevant part:

Let me get to the bottom line without being too revealing - I have numerous ideas of ways I could perform jihad in the path of Allah (swt) but outside du'a,¹¹ none of them are legal. I'm 58 years old and spending my remaining years behind bars for a good reason is not out of the question for me. I have considered supporting some of our brothers and sisters in prison, and have been sending money to the family of Younnus Abdullah Muhammad, one of the founder [sic] of the Revolution Muslim website, which is the first website that really helped me understand what obedience to Allah (swt) was. He is doing eleven and a half years over the whole South Park fiasco; isn't democracy great? I still need to do more however. If by any chance you know of someone who is active in jihad and could use an occasional influx of "help", please let me know. Short of that, nothing I am doing now is enough. If the subject is too hot to handle, by all means let it go. I only want to help my brothers, not lead them to a destination they feel isn't for them. I just hate the kaffar¹² government and those who are following it to the Hellfire, and the sooner it and its followers get there, the better.

8. During communication with the FBI Employee 1 on or about September 2, 2013,

Loewen stated in relevant part: "hey I read Inspire magazine; I believe in staying informed."¹³

9. On or about August 26, 2013, Loewen mentioned providing a "tour" to FBI

Employee 1 of where he worked (the Wichita Mid-Continent Airport). Loewen thereafter commented in relevant part:

¹¹ "Du'a" is an Arabic term meaning invocation, prayer, or an act of supplication.

¹² "Kaffir," or "kuffar," is a term used by Muslims, often in a derogatory manner, to describe non-Muslims.

¹³ In July 2010, AQAP released the first edition of an English-language electronic magazine titled *Inspire*. This magazine featured, among other things, teachings from Awlaki, a death threat against an American citizen, and step-by-step directions for making a homemade bomb. The magazine is intended to be used to recruit individuals (especially Westerners) to engage in violent jihad, and to train and prepare them for jihad. Numerous issues of *Inspire* magazine have been published, each of which contained articles regarding violent jihad.

Let me preface the bottom line by saying I have become "radicalized" in the strongest sense of the word, and I don't feel Allah(swt) wants me any other way - I MUST be active in some kind of (dare I say it) jihad to feel I'm doing something proactive for the Ummah - giving money to those who fight for the Tawheed¹⁴ is one that I'm definitely [sic] interested in, but direct jihad against a civilian [sic] target is not out of the question. Point being, is my having access to airport property the primary reason for the tour - if the answer is "no" then I will not bring it up again.

10. On or about August 27, 2013, Loewen clarified his vision of engaging in terrorist activities, stating in relevant part:

Aiding the mujahdeen [sic] is pretty low stress for me ; it's always something I've wanted to do but you just can't walk up to any Muslim and ask - I don't know that even they would't [sic] turn me in. Now, the work thing is very heavy stuff, because I don't really know how other brothers would want to handle it - it's just too big for me to handle on my own, and the more people that get involved, the more chance it has of going south[.] ... I guess I look at myself as the "access" guy at this point - just need more details, if any exist at this point - are we talking explosives, because I know nothing about that? It's all very surreal at this point, exciting, yet scary.

11. While continuing to discuss possible terrorist operations that could be conducted at his workplace, he stated that he was able to escort people out on the tarmac which leads to the airliners and control tower. Loewen stated that he could get access to bring a vehicle onto the tarmac, which would then have access to the runways, but not until January. Loewen apologized for asking for details "before the operation is in the planning stage." He asked FBI Employee 1 to give him some time to decide if this was the right way to go and, if he decided it was, that maybe they could then get others involved [in the plot].

12. On or about September 2, 2013, Loewen sent a message to FBI Employee 1 regarding the mistake he had made by allowing a family member to help him with his

¹⁴ "Tawheed," or Tawhid, is an Arabic term referring to the concept of monotheism in Islam.

computer. In a previous conversation with FBI Employee 1, Loewen stated that FBI Employee 1's conversations with Loewen were protected because Loewen did not allow a family member to use or see his computer. Because Loewen had been having trouble with his computer, he asked his family member to help him figure out the problem. The family member "fixed" it by deleting or uninstalling a program from the computer. Loewen had assumed that his recklessness had affected his relationship with FBI Employee 1 to the extent that he would have to cease all contact. Loewen wrote the following to FBI

Employee 1:

I just spent an hour responding to your email (sic) and dumped it before I sent it (sic) - I don't think I have the will power to repeat it. It explained a great deal about what has happened the last couple of days and why I believe my "reckless endangerment" of myself and others has to come to an end. I understand how upset you are about this and I won't let it happen again, and I think the only way I can assure that is by isolating myself and any action I come up with, will have to be done alone. I'm not able to keep things in order, therefore causing an unsafe environment (sic) for myself and others, and the worse thing I can think of is someone else going down for my stupidity. I really don't see me living through anything I have in mind, assuming I can even pull (sic) it off. Again I apologize for this fucking mess, and will miss the wonderful conversations we had. Peace be with you my brother.

Loewen believed, based upon communication from FBI Employee 1 following his disclosure of allowing a family member to access his computer to remedy his issues, that FBI Employee 1 was upset with him for this breach in communications security and no longer trusted him. As stated in the communication above, Loewen indicated that to ensure he did not put himself, FBI Employee 1, or others at risk of exposure due to his recklessness, he would cease any further contact with FBI Employee 1.

After seeing Loewen's communication, FBI Employee 1 contacted Loewen and explained that he/she felt Loewen misinterpreted his/her comments and that they should discuss the issue in order to work through their misunderstanding and concerns. On or about September 3, 2013, following up FBI Employee 1's offer to work things through, Loewen initiated contact with FBI Employee 1 and explained in detail what happened, how it happened, and his assessment of whether or not FBI Employee 1's identity, or Loewen's plans for jihad had been compromised by a family member's work on his computer. Specifically, Loewen stated in relevant part: "[The family member] never saw any of our conversations, and if [he/she] had, [he/she] isn't the type to turn us in. . . ."

By the conclusion of the September 3, 2013, communications, Loewen had reasserted his commitment to engage in jihad, had thanked FBI Employee 1 for his/her understanding and forgiveness for potentially exposing his communications with FBI Employee 1 to a family member, indicated the precautions he would take to ensure that he did not repeat the same mistake, and agreed to remain in contact with FBI Employee 1.

13. On or about September 6, 2013, Loewen continued his vision of engaging in terrorist activities, stating to FBI Employee 1 in relevant part:

I believe the potential for me doing more is staggering. I have some rough ideas, but I know nothing about explosives. Don't you think with my access to the airport that I should put that to good use? I'm sure I am not as ready as I think I am, but by next year – who knows. Understand I have NO exxperience [sic] in things like this, but I'm willing to learn...Anyway, I'm just talking right now but I still feel I'm being led in this direction.

14. Loewen and FBI Employee 1 engaged in a conversation on or about September 9, 2013. Loewen stated the following:

I'm spending my spare time thinking over my options for "operations" and believe I'm moving way too fast for obvious reasons – trying to make up for lost time mostly...I'm going to stick with donating money to "needy Muslims" for a while. When ever [sic] it's convenient, please send me that info again.¹⁵ I want to transfer it to my thumb drive, but I will probably need help – thats why I deleted it last time. . . . Know a good place to hide it when I'm done?

During the ensuing conversation, FBI Employee 1 sent the information on how to send money via Western Union, and then explained how to put the information in a notepad file and save it to a thumb drive. After he completed saving the information, Loewen stated in relevant part:

Works for me. I'll put it somewhere secure – I have all kinds of jihad-related materials [sic] on it.

15. During communication with FBI Employee 1 on or about September 13, 2013,

Loewen stated in relevant part:

Reading about the actions of the muhajideen [sic] and actually carrying them out is two different things. If not for my family, I would have already carried out some sort of operation – but thats my fault for putting others before Allah(swt) which I know better than to do.

16. On or about September 17, 2013, Loewen sent photos to FBI Employee 1 of what appeared to be fighter jet trainers on the tarmac outside his hanger. FBI Employee 1 asked Loewen if those jets were permanently stationed there.

¹⁵ FBI Employee 1 previously provided Loewen instructions on how to send money via Western Union on or about September 3, 2013. At that time, FBI Employee 1 provided Loewen the name of the recipient and details of what he could expect to happen based upon the amount of money he was trying to send. Loewen never sent any money to the individual referred to him by FBI Employee 1.

17. On or about September 21, 2013, Loewen responded to FBI Employee 1's question about the pictures of the jets that Loewen had taken on September 17, 2013. The following is Loewen's response:

As far as the birds go, I don't know what they were for sure - they were there less than an hour and left. I think there is an airshow somewhere close, but [don't?] know for sure. All they stopped for was fuel. The ones I sent pics of the other day actually stayed over night. We have had numerous Apache's [sic] land and stay over night - it's all going on next to where I work, but we have no involvement with them (at least not YET). They drop in, but I have no way of knowing when. I don't see anyway an operation could be planned in advance. It would have been possible today for me to have walked over there, shot both pilots(I don't know if they are armed or not), slapped some C4 on both fuel trucks and set them off before anyone even called TSA. Talks REAL cheap, however, so what I think I can do and what I actually can do are probably two different things. Next year I intend to get a ramp pass so I can drive my vehicle on the ramp. As far as what you tell the brothers - as long as my name isn't used I'm good with it. Like I said, I have the access, but unless someone thinks I'm teachable, thats about all I have to offer - but don't get me wrong; I certainly have the desire to learn how to perform an operation like this. I just haven't been given the "green light" by Allah(swt) yet - at least not that I'm aware of.

18. On or about October 3, 2013, FBI Employee 1 told Loewen that he/she had just returned from overseas after meeting with individuals connected with AQAP. FBI Employee 1 stated that the "brothers" were interested and excited to hear about Loewen's access to the airport where he worked. FBI Employee 1 also asked Loewen if he would be willing to "scout for potential targets, collect information on security measures in place, [and] take photos of security access points." He/She also asked if Loewen would be willing to plant some type of device when the time came for doing so. Loewen responded by stating the following:

Wow! That's some heavy stuff you just laid down. Am I interested? Yes. I still need time to think about it, but I can't imagine anything short of arrest stopping me. But as you keep reminding me, I need to let Allah(swt) guide me. It's very hard for me to comprehend the fact that I could be part of such a massive operation. I'm just Allah's slave, and not a very good one at that. I have one question: How do you really know who I am or what my agenda really is? I pray to Allah(swt) every night that I'm not being misled, and if I am, that He will make it very apparent (sic) to me. I trust you but part of me wants to trust ANYBODY who says they believe what I do because those kind of people are SO rare, and I thirst for that. I'm sorry I can't say I trust you 100%; my greatest fear is not being able to complete an operation because I was set up. I hate this government so much for what they have done to our brothers and sisters, that to spend (sic) the rest of my life in prison without having taken a good slice out of the serpent's head is unacceptable to me. If there is anyway of reassuring me, please do. As I said, I pray for guidance but God doesn't speak to me like He does others. I hope I haven't offended you, but this is like a dream come true for me, and I never expect things this good to occur in my life. I want nothing from this life but to please Allah (swt), and without engaging in jihad for His sake, I can't say that I did anything to please him. Peace be upon you and all my brothers and sisters in Islam.

19. On October 4, 2013, Loewen advised FBI Employee 1 that he had some questions about what his involvement might be and the kind of operation that was being considered.

Loewen stated in relevant part:

I have some questions about that - if what I ask is not a "need to know" at this time, tell me. Am I only involved as far as "prepping" for this is concerned, and just watching the rest unfold? And is it a martyrdom operation?; if so am I going to be part of that? I'm asking for a week to give myself time to process all this and (sic) give you an answer. As I've stated before, I won't be able to access the ramp with a vehicle until next year - so driving on to airport property with a van full of C4 is out of the question - after the first of the year, we could drive a city bus out there. It used to be vehicle access was an option, if that's changed I'm not aware of it.

20. On October 5, 2013, FBI Employee 1 explained that the plans had not been completely developed and asked if Loewen would be interested in a martyrdom operation.

FBI Employee 1 also stated that Loewen could back out at any time without the risk of losing face because no one knew his identity. Loewen responded that he wanted another few days to make his decision about going forward and stated the following:

Thank you for not getting anybody's hopes up too high in case I back out - to those on the front line I'm sure it would appear very cowardly of me. And they would probably be right. But it puts less pressure on me to do an operation, even if I would rather not. I have about 50 questions, but I realise desecration is of the utmost importance. As far as things I would not want to engage in; you have said they are looking at a time close to the holidays; I can't see myself doing anything that involves killing children, unless I know everything is being done to minimize that. I understand it's a war, and some of these brothers may have had their children killed by this country, but in light of what the Prophet(saw) said concerning this, I just need to be sure it can be kept to an absolute minimum. And to address my wish for martyrdom, I need to make sure I only desire it to please Allah(swt). To kill numerous people and then trying to face anyone I know (including "moderate Muslims") is a fate worse than death to me. And I doubt I would last 5 minutes under torture - I would much rather die than roll over on a brother, even at this stage of the game. You are the only person I have any contact with on the jihad issue, but I would rather die than even give the authorities your name.

21. On October 7, 2013, Loewen sent numerous photographs of his airport access badge, entrance gates to the tarmac, and the devices used to access the gates. On October 8, 2013, Loewen also told FBI Employee 1 what the various codes and colors of his badge meant. Loewen also surmised that there were not any surveillance cameras at the gate.
22. On October 11, 2013, Loewen communicated with FBI Employee 1 stating that he was prepared to go forward. The following are Loewen's comments:

Thought I would run what I tried to send yesterday by you again. I will be unable to get gate access until next year (1/11/14) which is the date my badge expires. As far as airport terminal access, I will take a drive down that way soon, but I believe with a vehicle with company logo it would be no problem. If you like I can get a close up of the logo so a vehicle other

than ours could be painted to match, there by (sic) allowing more time to modify said vehicle for an operation, and then driven through the gate. Just a thought; I'm sure the brothers already have that figured out. I stated last week that I would decide by today if I'm in or out - count me in for the duration.

23. From October 11, 2013 through October 16, Loewen and FBI Employee 1 continued to communicate. Among the topics of conversation were Loewen's computer problems and the excitement about the operation. FBI Employee 1 told Loewen that he/she could provide him with a new computer if Loewen did not have the money to buy a new one. Loewen thanked FBI Employee 1 for the computer and stated the following:

All is good with me. Inshallah, this operation will be huge. Just to be a part of any operation with these brothers is a great honor for me, but of (sic) it can instill and great financial loss to the tagoot who run this country, then I will truly feel blessed. I pray the peace of Allah(swt) will be upon you and the other brothers. May this mission, inshallah, be fruitful for all of us.

24. Between or about October 18, 2013, through on or about October 19, 2013, Loewen and FBI Employee 1 communicated about Loewen meeting one of the brothers in person and providing the laptop at that time. FBI Employee asked Loewen if he would be available to meet in the next week. FBI Employee 1 reminded Loewen of the need for complete discretion and that security should be paramount. Loewen stated that he was not available during the weekend, but could meet during the week. Loewen also stated:

I will only bring a weapon if the brother thinks it to be advisable. The only reason I would see the need for one is if law enforcement were to show their ugly self's (sic), at which point I would start shooting to give the brother time to flee.

25. On or about October 22, 2013, Loewen told FBI Employee 1 that he would be available to meet with the brother on the next Friday night after work.

Loewen's Interactions with FBI Employee 2

26. On October 25, 2013, Loewen met in person with FBI Employee 2 whom he believed was a "brother" associated with AQAP. During the meeting Loewen reiterated his desire to help FBI Employee 2 with a mission to blow up a plane with numerous people on board. Loewen explained the access that he had to the airport and that he could not drive a vehicle onto the airport property until January 2014 when his badge was scheduled to be renewed.
27. On November 8, 2013, Loewen again met in person with FBI Employee 2. During this meeting, Loewen indicated that he was interested in becoming a martyr (i.e. dying in the attack), but that he needed to make sure that there was a reason for him to be martyred. Loewen also stated that he would not pull the "trigger" to blow up FBI Employee 2. The two also discussed the possibility of finding some way of escape so that it would not have to be a martyrdom operation. FBI Employee 2 suggested that Loewen could possibly travel overseas to a location where he could reside with other brothers. In discussing the specifics of the operation, which included taking a vehicle-borne improvised explosive device (VBIED) to the terminal near a number of passenger planes, Loewen suggested that another individual could come in to the terminal with a suicide vest and detonate that to coincide with the VBIED outside. FBI Employee 2 and Loewen discussed executing this plan just prior to Christmas which would cause the greatest impact physically and economically. They further decided that when discussing the airport and this mission they should use code words, and settled on the term "rental property."

28. On or about November 11, 2013, Loewen told FBI Employee 1 how the meeting with FBI Employee 2 went. In describing his meeting Loewen stated in relevant part:

I am well and the brother was very inspiring as always. We did look over the rental property, and I explained how we could accomplish the deed with the least resistance. I always think of things I would like to discuss further with him after we have parted company – so I may relay those questions and comments to you and you can get them to him, if that's (sic) possible. He asked me if I would like to take the ride all the way with him and I said yes, although he said he would ask the other brothers if it was possible for me to leave the country afterwards. I started thinking this would put other brothers in harms (sic) way, so I probably won't go that route. I told him I would go all the way with him to save other brothers much more valuable than me to the Ummah, from making that sacrifice. As I have told you before, I would consider that a great honor. I feel so close to this brother (as you said I would) that going to the end with him seems like the right thing to do. I haven't mentioned this to you because I only found out when I went to security inquiring about my badge: the airport is being renovated – whether that (sic) is effecting (sic) the area the aircraft park in I don't know. I've been using Google maps to survey the area, but things may have changed. I will try to find an excuse to go down that way and scope it out, or check with one of the fuelers about it. I assume because of air traffic that area can't be blocked, but I will make sure....

29. On or about November 13, 2013, Loewen communicated with FBI Employee 1 again. Among other things, FBI Employee 1 discussed Loewen's willingness to sacrifice himself for the sake of other brothers. Loewen responded with the following:

Just finished checking the photos from the air of the renovation of said property – all improvements are taking place west of our rental properties. Haven't found the completion date yet, but it shouldn't take too much digging to discover. When complete, it will render our rental units useless. But even at that, it wouldn't change the overall strategy of our project, just add a little more distance to the normal drive. The brother asked me to check times on traffic going in and out, so I hope to have some fairly in-depth details for him. It may require me to pay a visit inside of the property, but most of the info is on the website, mashallah.... Did you notice the brother who got busted trying to fly to Syria to aid Al Qaeda in fighting the taghoot government – guess he

posted a large amount of radical information on Facebook and the FBI set him up. I keep a pretty low profile on Facebook anymore – I have more important things to attend to....

30. On or about November 15, 2013, FBI Employee 1 and Loewen communicated with each other. FBI Employee 1 commented about the “brother” who was arrested by the FBI and agreed with Loewen that it was better to keep a low profile. FBI Employee 1 also inquired about the renovations and the best time to buy the open house. Loewen responded with the following:

You understood correctly concerning the renovations. I am compiling (sic) information for the brother concerning times – a first glance it appears early morning will work best – right around sunrise actually. At that time, there would be about 3 properties ready to be inspected – a lot depends on the size of the vehicle and how many supplies it’s carrying, although he didn’t really think that would be an issue. He called yesterday and said he would call again tuesday (sic) for a meeting wednesday (sic) – said we need to go shopping for supplies (carpet and such). Let you know what we pick up, so we can decide how much more we need to get the properties ready to show....

31. On November 19, 2013, Loewen met with FBI Employee 2 and reiterated his desire to martyr himself with FBI Employee 2. FBI Employee 2 told Loewen that he, Loewen, could be the navigator (i.e. the individual who would give directions to the place where the device would be detonated) to the terminal if he was willing, and Loewen agreed. Loewen also provided FBI Employee 2 research that he had conducted on the best time to execute the attack based upon the number of people who would be boarding aircraft and the number of people who would be in the terminal. Loewen further expressed his desire to kill as many people as possible, and he explained where to park a vehicle full of explosives to accomplish that goal. Loewen also provided a diagram of the terminal and

tarmac including distances between the gate areas. Finally, Loewen agreed to purchase a component that would be used to detonate the explosive. FBI Employee 2 explained to Loewen that they would need other items to complete the explosive device. Loewen agreed to obtain those items from his workplace, and without prompting stated that he could wire the explosive device, since he does wiring as part of his employment. They agreed on a final plan, that once Loewen got gate access they would drive to the terminal in the early morning hours, and detonate the device between the terminals for maximum casualties, and that both FBI Employee 2 and Loewen would die in the explosion.

32. On November 21, 2013, Loewen met with FBI Employee 2 and provided the requested components that he had obtained from his employer. He further stated that, in order to not attract attention, he would not try to renew his badge until 30 days before it expired.

33. On or about December 3, 2013, Loewen met with FBI Employee 2 and provided containers that were to be used for the explosive material. Loewen and FBI Employee 2 discussed how the device would be constructed. Loewen reiterated his desire to wire the device and that he would flip the switch when it came time for that. Loewen also provided FBI Employee 2 another diagram of the terminal and marked an "X" to indicate the best place to park the vehicle to cause the most damage. Loewen also provided time schedules for departures at the airport and confirmed that very early morning would be the best time to execute the plan.

34. On December 6, 2013, Loewen renewed his SIDA badge and was told that he now had gate access to the tarmac pursuant to his request.

35. On December 9, 2013, Loewen used his badge to verify that he did in fact have gate access to the tarmac. At approximately 6:37 p.m. Loewen was able to gain access to the tarmac using his badge and exited the secure area at approximately 6:38 p.m.
36. On December 11, 2013, FBI Employee 2 met with Loewen again. The two of them went to another location where Loewen wired the triggering device, and he assisted FBI Employee 2 in assembling the rest of the bomb.¹⁶ Both agreed that Friday, December 13, 2013, would be the best day to execute their plan, and Loewen stated that he was happy that this was going to happen soon. Later that day FBI Employee 2 spoke with Loewen, who stated that he did not go in to work that day, but had spent the day writing letters to his family member and making lists about what he still needed to do.
37. On December 13, 2013, at approximately 4:45 a.m., FBI Employee 2 picked up Loewen at a local hotel. The two drove to the location where the bomb was being stored, and arrived at 4:55 a.m. Loewen finished wiring the device rendering it operational. At approximately 5:19 a.m., Loewen and FBI Employee 2 departed their location and began their route to Wichita Mid-Continent Airport. At approximately 5:40 a.m., FBI Employee 2 and Loewen arrived at the gate where Loewen tested his badge on December 11, 2013. At approximately 5:42 a.m. Loewen exited the vehicle and attempted to use his badge twice on the card reader access panel in order to gain entry to the tarmac.¹⁷ The badge and the code used by Loewen were unique to him, and validated by the security system, and would

¹⁶ All of the explosive material used in this device was inert.

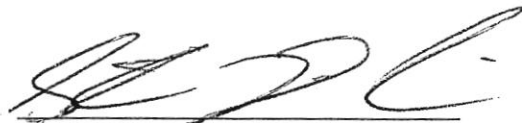
¹⁷ The gate that Loewen attempted to access had been disabled prior to his arrival at the airport.

have opened the gate had it not been disabled. Loewen was taken into custody after his two attempts at opening the gate.

38. Loewen left a letter dated December 11, 2013 for a family member describing his intent to conduct a martyrdom operation. It reads in part:

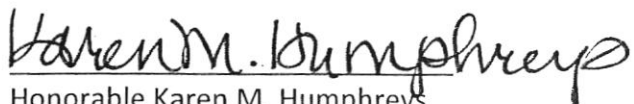
By the time you read this I will – if everything went as planned- have been martyred in the path of Allah. There will have been an event at the airport which I am responsible for. The operation was timed to cause maximum carnage + death. [. . .] My only explanation is that I believe in jihad for the sake of Allah + for the sake of my Muslim brothers + sisters. [. . .] Fact is, most Muslims in this country will condemn what I have done. [. . .] I expect to be called a terrorist (which I am), a psychopath, and a homicidal maniac. [. . .]

39. Based upon the above and foregoing information, which I affirm is true and correct to the best of my information and belief, I respectfully submit probable cause exists to support charges of attempted use of a weapon of mass destruction, in violation of Title 18, United States Code, Section 2332a(a)(2)(D); attempted use of an explosive device, in violation of Title 21, United States Code, Section 844(i); and attempted material support^{to} ^{6c} a foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B(a).



Stephen Cousineau, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence this 13th day of December, 2013, at Wichita, Kansas.



Honorable Karen M. Humphreys
United States Magistrate Judge
District of Kansas