

Federal Prosecutors Attacked Me for My Reporting — and They’re Doing It to Hide Info From the Public

If the Biden administration is serious about protecting press freedoms, officials from Washington might want to have a stern talk with federal prosecutors in Detroit.

Trevor Aaronson

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The Theodore Levin United States Courthouse in Detroit, in April 17, 2014. Photo: Bill Pugliano/Getty Images

This is a story about a story — one that I haven’t finished reporting.

Federal prosecutors are so consumed by my efforts to report on a terrorism court case that they accused me in a recent filing of having “improper motives.” They said that, by doing routine reporting, I was somehow colluding with a terrorism defendant to “taint the jury pool and undermine the fairness of the trial.”

These dangerous claims are the subject of an evidentiary hearing in U.S. District Court in Detroit on Thursday.

My reporting so far suggests potential constitutional violations.

The attack by the Justice Department should be seen for what it is: a breathtaking assault against journalism by the Biden administration.

Although President Joe Biden boasts that his administration defends press freedoms around the world, his Justice Department’s public claims are an egregious attack against me filled with baseless assumptions and statements taken wildly out of context.

Prosecutors appear to have subjected me to this attack for no reason other than that I was doing journalism in the public interest. (Lawyers for The Intercept submitted a letter to U.S. District Judge Jonathan J. C. Grey and will be present at the hearing Thursday.)

While shocking for its content, the government’s attack on me is not entirely surprising. The case I’m investigating raises thorny issues about the FBI’s conduct, and federal prosecutors have complained in filings and court hearings over the past year about my contact with the defendant in the case.

My reporting so far suggests that the terrorism case involves questionable dealings between federal and local law enforcement agents; intrusive surveillance over a period of years that yielded little evidence; and even potential constitutional violations. (The prosecutors in the case did not immediately respond to requests for comment.)

For digging into this, Biden’s Justice Department is accusing me of having ulterior motives — and using the allegation as an excuse to keep information from the public.

FBI on a Local Robbery Case?

My involvement with this saga began five years ago, when I was reporting on a related terrorism case. I’d been secretly communicating with Russell Dennison, an American who had traveled to Syria and joined the Islamic State terrorist group.

Until his 2019 killing by an airstrike in eastern Syria, Dennison had sent me hours of recordings over more than six months, describing his life and involvement with ISIS as the so-called caliphate collapsed around him. Dennison’s recordings and my reporting about them became “American ISIS,” an eight-part documentary podcast for The Intercept and Audible.

After Dennison’s death, I spent months tracking down people he’d known, including those he mentioned in his recordings. One was a slender Iraqi-born Michigan man named Aws Naser.



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Naser had his own story arc. He'd come to the United States from Iraq as a boy before the 9/11 attacks and, after graduating high school, returned to Iraq as a U.S. military translator. His path crossed with Dennison's when the latter was still living in Florida and Naser had returned to Michigan. The two met through YouTube, and their paths, even after Dennison's death, have crisscrossed to this day.

After the FBI arrested one of his friends on terrorism charges in 2012, Dennison flew to Michigan and stayed with Naser before traveling to Iraq. Naser visited Dennison in Iraq later that year, though at the time, Dennison wasn't associated with ISIS or other terrorist groups.

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When Naser returned to the U.S. from the trip, he found himself subjected to intense FBI questioning and surveillance. And he wasn't alone. Dennison was an unwitting pawn for the FBI. Anyone who communicated with him became a target.

At the time, based on the FBI scrutiny, Naser falsely assumed that Dennison had been working for FBI. In truth, the FBI was struggling to build a case against Naser.

Then Naser gave the FBI an opening. He had a dispute with his boss at a convenience store. Frustrated over unpaid wages, Naser pepper-sprayed a co-worker and took what he believed he was owed from the cash register. He was arrested for armed robbery.

Following his arrest, the FBI obtained the search warrant for Naser's home — not the local police, as you'd expect.

Following his arrest, the FBI obtained the search warrant for Naser's home — not the local police, as you'd expect in a state robbery investigation.

The evidence the FBI collected from the search, which I obtained from state prosecutors, made clear that federal agents weren't interested in the robbery case. Instead, the FBI took photos of Naser's passport, plane tickets, business cards for a taxi driver and a jeweler in Iraq, and a piece of paper with a handwritten phone number for Dennison's mother in Florida.

Naser was found guilty of armed robbery at trial and sentenced to up to 20 years in prison, but the FBI wasn't finished with him.

The Dennison Connection

Naser was in state prison for this robbery conviction when I first contacted him in 2019. He had been sent back to behind bar following parole violations.

I explained to him that Dennison wasn't an FBI informant, as he'd once thought, but instead had become an ISIS fighter who was wanted by the FBI.

"This actually makes sense because the FBI, every time they've met me, every time they've interviewed me, every time they raided me, the only thing they're asking me about is Dennison," Naser told me in 2019.



Russell

Dennison in Syria. Obtained by The Intercept

I included the interviews with Naser in prison and described how his story intersected with Dennison's in "American ISIS," which was released in July 2021. And I never expected to talk to Naser again.

Then, in November 2022, the Justice Department charged Naser with attempting to provide material support to ISIS. (He denies the charges.)

The initial charging documents were unusually sparse; there was no explanation of how or when Naser allegedly supported ISIS. One thing, though, seemed clear: The indictment had to be related to Dennison.

Naser and I began talking by phone again in February 2023. He had been transferred from a state prison to a federal detention center to face the terrorism charges.

Over the last 16 months, I've recorded more than 11 hours of phone interviews with Naser, part of an ongoing effort to produce an audio documentary about his case.

And I wasn't the only one recording. The Justice Department was listening to our calls.

“Gleefully Shared Information”

“Now, listen, this phone call is being recorded,” Naser told me in our first conversation after his federal indictment.

At the time, Naser had been given some of the evidence in his case. While a protective order prohibited documents and recordings from being given to others, such as journalists, nothing prohibited Naser from summarizing to me the contents of the evidence against him.

In that initial conversation, Naser told me that the evidence included a sealed indictment against Dennison. As he received more evidence in his case, he'd call me to describe the documents.

The Justice Department, however, didn't like Naser's calls to me.

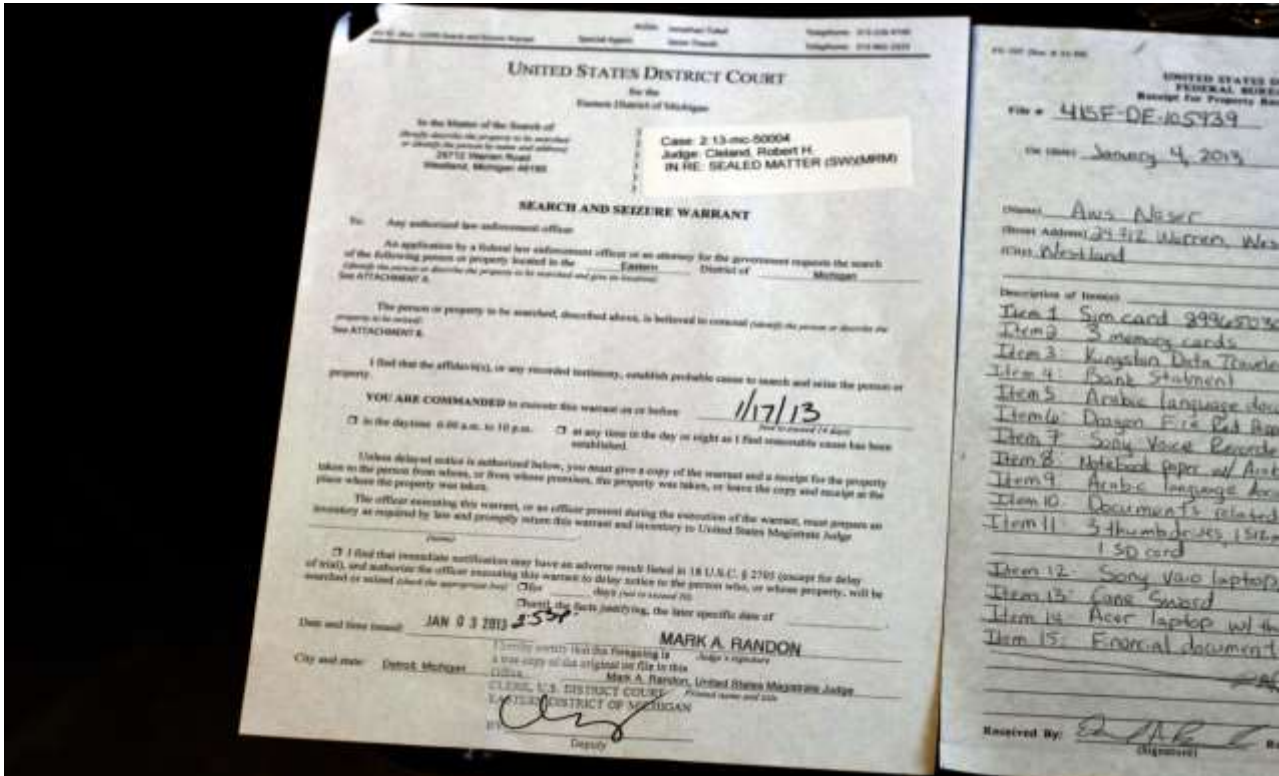
In April 2023, federal prosecutors complained in a court filing that Naser “gleefully shared information” with me. My calls with Naser became a central focus of a hearing in June 2023, during which prosecutors admitted that the protective order did not prohibit Naser from talking to me about the evidence in his case.

“He did not improperly distribute this information,” said Assistant U.S. Attorney Dmitriy Slavin in the June 2023 hearing. “Because information that is general discovery which is still concerning this case, there's no limit on him sharing that information with the media, and he has made it his mission to share that information with the media.”

For a time, the Justice Department and Naser played chicken. Prosecutors refused to turn over new evidence, and in turn, Naser refused to accept a modified protective order that would bar him from talking to me.

During this time, the government's case against Naser dribbled out slowly in filings. Prosecutors allege that he boasted of killing a gold merchant in Iraq in an online extremist forum where a government informant was present — though it's unclear whether prosecutors have evidence to support the claim — and that Naser possessed ISIS propaganda, drones, and household chemicals.

Fourth Amendment Violations?



The FBI search warrant for Aws Naser's home, as pictured in evidence from Naser's robbery case in state court. Obtained by The Intercept

Evidence in Naser's case raises questions about whether federal agents violated Naser's constitutional rights more than seven years ago. My recent efforts to find out more about these potential violations of the Fourth Amendment, which protect people from unreasonable search and seizure, led to the Justice Department's attacks on me.

Despite years of investigation, the FBI could not build a strong enough case against Naser to obtain a search warrant. Enter the local authorities. Naser had been released on parole in 2016. As a parolee, Naser was subject to searches at any time by a parole officer.

The following year, a parole officer Naser had never encountered before did make such a search: He took Naser's phone and captured a forensic image of it, essentially a copy of all the data from the device. The parole officer then provided the data to the FBI. The same parole officer returned to Naser a few months later and seized a second phone for the FBI.

Federal agents used the contents of the phones to justify six new search warrants. Naser's lawyers describe the phone searches as a "convenient workaround for the FBI" that created a "prolonged erasure of his Fourth Amendment rights." In describing this alleged constitutional violation, Naser's lawyers filed under seal several FBI reports related to the partnership with the parole officer.

In phone calls in April, Naser told me that these FBI reports describe an improper arrangement between federal agents and the parole officer. According to Naser, the reports state that the parole officer's daughter had reportedly been the victim of a sexual assault that had gone unsolved and that he wanted FBI agents to investigate the case. Naser, describing the alleged arrangement, told me: "In return for that help, he was going to help them with me."

“Improper Motives”

A few weeks after Naser told me about these reports, his lawyers filed a motion to unseal them. The government responded on May 29 with an attack against me, alleging that I have “improper motives” and intend to release a “one-sided” and “sensationalized” work of journalism prior to the trial that will “taint the jury.”

To support its claim that I have “improper motives,” the Justice Department wrote: “Naser and Aaronson discussed a sexual assault involving a witness’s family member and expressed an interest in learning more background details connected to it.”

Of course, prosecutors omitted the key context: that this sexual assault case appears to be at the center of a reported quid pro quo that may have violated Naser’s constitutional rights and raises larger questions about the FBI’s partnerships with state and local police agencies in terrorism investigations.

Why is the Justice Department so concerned about the contents of the sealed FBI reports that prosecutors have resorted to public attacks against a journalist?

The Justice Department has argued — and will argue in the hearing Thursday — that the information I have been seeking, through my interviews with Naser and other reporting efforts, is not of significant public interest. This is demonstrably false.

Parts of Naser’s story have already been told in my documentary podcast “American ISIS” and in Wall Street Journal reporter Brett Forrest’s book “Lost Son: An American Family Trapped Inside the FBI’s Secret Wars.” In addition, the Detroit News has covered the case’s ongoing proceedings.

More significantly, the Justice Department’s attacks against me raise the public interest value of these FBI reports further: Why is the Justice Department so concerned about the contents of the sealed FBI reports that prosecutors have resorted to public attacks against the journalist who has been working to obtain that information?

If the Biden administration is serious about protecting press freedoms, officials from Washington might want to have a stern talk with the U.S. Attorney’s Office in Detroit.

Meanwhile, I haven’t given up my ambitions for a larger work about Naser’s case. Maybe I should thank federal prosecutors for the publicity.