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Federal government isn't touching Arkansas terrorism case

Abdulahakim Mujahid Muhammad of Memphis, Tenn., says his trial in a fatal Little Rock Army facility attack is being handled in Arkansas state court to get him the death penalty. His father alleges a government coverup.

July 11, 2011 | By Richard A. Serrano, Washington Bureau

Abdulahakim Mujahid Muhammad insists he is an Islamic radical, has confessed to killing an Army soldier and wounding another at a Little Rock recruiting station two years ago, and wants to be tried on terrorism charges in federal court.

But in an unusual twist, state prosecutors, with the blessing of the federal government, are treating him like a common American criminal and trying him in state court next week on capital murder charges.

Either way, Muhammad could become the first person sentenced to death in the U.S. for an act of terrorism — even if that is not the charge — since the Sept. 11, 2001, attacks.

Muhammad, 24, born Carlos Bledsoe in Memphis, Tenn., has a profile that is now familiar in home-grown terrorism cases. He converted to Islam at age 20 at a Tennessee mosque, changed his name and traveled to the Middle East.

In 2008, he was arrested in Yemen for overstaying his visa and holding false Somali papers. His father said he became radicalized in a Yemeni jail after mixing with other prisoners there.

Six months after Muhammad returned to the U.S., he allegedly drove his black Ford Sport Trac truck to the military recruiting station. Inside the vehicle were a rifle, scope, laser sight, silencer and hundreds of rounds of ammunition. He allegedly fired several rounds before fleeing.

Later, at a police roadblock eight miles away, Muhammad was captured with a semiautomatic handgun tucked in his waistband.

Police said he told them he was "mad at the U.S. military because of what they had done to Muslims in the past." He said his "intent was to kill as many people in the Army as he could."

Melvin Bledsoe, who runs a Memphis tour bus company, said he learned of his son's incarceration in Yemen from a Tennessee FBI agent who interviewed Muhammad while he was in jail there. But that was the last Bledsoe heard from the FBI. And he believes that gets at the explanation behind the federal government's strange lack of interest in trying his son.

Bledsoe charges that federal officials deferred to state prosecutors because they feared a federal trial would make them look bad — because they knew his son was a radicalized Muslim and yet did not watch him when he returned to the United States.

"They should have done their job and this never would have happened," Bledsoe said. "I think that somebody in the federal government and the FBI should be charged with negligence. Negligent homicide."

Bledsoe's son has a different explanation for why he is not being charged as a terrorist.

Muhammad, who says he is affiliated with several terrorist organizations, has written jailhouse letters to Pulaski County Judge Herbert Wright demanding a federal trial. "In my eyes it's a sham trial [in Little Rock] set up only to make sure I'm handed down a death sentence," he wrote May 10.

Ten days later, he wrote again: "The facility where the shooting took place was a federal building. The army recruiters outside that federal building were federal employees. I was under federal investigation at the time of the shooting by the FBI. Why then is this a state case in state court, which the state seeks my execution? Injustice!"

To some outside legal experts, both father and son make valid points.

"That's unquestionably embarrassing for the FBI," said Brian Gallini, a University of Arkansas criminal law professor. "I can't come up with a comparable example of a mistake the feds would want to admit to."

But John Wesley Hall Jr., a longtime Little Rock criminal defense attorney and former prosecutor, said that "just because the FBI didn't follow him doesn't mean it was their fault."

In similar terrorism-related cases since the Sept. 11 attacks, federal prosecutors have wasted no time in taking the lead.

Just recently, federal officials in Seattle charged two alleged terrorists with plotting a raid on a military recruiting center there. They were charged with conspiracy to use weapons of mass destruction (a grenade) and unlawful possession of firearms.

In fact, the federal government has never won a death sentence in a terrorism case since Sept. 11. In 2006, federal prosecutors sought a death sentence for

"20th hijacker" Zacarias Moussaoui, but his Alexandria, Va., jury gave him life without parole.

On the other hand, Arkansas, a mostly rural and conservative state, would seem the ideal setting to try a self-acknowledged terrorist on a capital offense.

The official explanation by the FBI for why Muhammad was not charged in federal court is that local authorities were first on the scene. "We did assist in the investigation," said FBI Special Agent Steve Frazier in Little Rock. "But when we arrived at the scene, the Little Rock police were already in charge."

However, the federal government routinely seizes jurisdiction from local authorities when it wants to prosecute a case.

A second federal law enforcement official, who asked not to be identified because the July 18 state trial was approaching, said the federal government had wanted to prosecute but deferred to state prosecutors.

"The Justice Department and the FBI were very interested in this case, obviously," he said. "There was a lot of back and forth with state prosecutors in Arkansas and they were extremely insistent in going forward on the state level. And that's how ultimately it was resolved."

FBI officials in Memphis and Little Rock declined to respond to Bledsoe's allegations of a coverup.

"That's not something we would find prudent to comment on," said FBI Supervisory Special Agent Joel Siskovic in Memphis.

In Arkansas, prosecutors view Muhammad as more of a "cold-blooded killer" than a lone terrorist. "You can draw your own conclusions about him," said John Johnson, the chief deputy prosecutor in Little Rock. "But it's ultimately the jury's decision."

Muhammad's attorney, Patrick Benca, said his client is not a terrorist and not a premeditated killer. Though he confessed in writing and to investigators, Muhammad has pleaded not guilty and Benca plans to use an insanity defense.

Benca has two experts who believe Muhammad suffers from "organic brain damage." He has asked the judge to set aside the death penalty if Muhammad is found guilty. Prosecutors have their own experts, who found him sane and ready for trial.

Defense attorneys have shown some interest in the father's allegations. They have subpoenaed FBI records, including the bureau's "surveillance, or lack thereof, of [Muhammad] once back in the U.S."

The father of 23-year-old Army Pvt. William Long, who was killed in the Little Rock shooting, does not care whether Muhammad is a terrorist or a common criminal, tried by the state or the federal government. His son is dead all the same and he believes any juror will understand that.

"I think in Arkansas you've got to know the people here," said Daris Long of Conway, Ark., a former Marine. "They're pretty cut and dried on what's right and wrong."

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