

AFFIDAVIT OF SPECIAL AGENT THOMAS M. DALTON 835 1682

I, Thomas M. Dalton, being duly sworn, depose and state:

I. Introduction

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since 1997. I am currently assigned to one of the Boston Field Office's Counter-terrorism Squads. Among other things, I am responsible for conducting national security investigations and investigations into violations of federal criminal laws, including violent crimes and threats.

2. During my employment with the FBI, I have submitted affidavits in conjunction with applications for numerous criminal complaints and search warrants. I have participated in the execution of numerous federal search and arrest warrants in such investigations.

3. Along with other agents of the FBI and officers of the Harvard University Police Department, I am participating in an investigation of several bomb threats directed at Harvard University on December 16, 2013. As set forth below, there is probable cause to believe that, on that date, ELDO KIM, age 20, of Cambridge, Massachusetts, sent several e-mail messages to Harvard University, intending to convey the false information that bombs had been placed in several buildings on the Harvard campus in Cambridge, Massachusetts, under circumstances where the information might reasonably be believed, in violation of 18 U.S.C. §1038(a).

4. This affidavit is based upon information supplied to me by other law enforcement officers, including other special agents employed by the FBI, officers of the Joint Terrorism Task Force, officers of the Harvard University Police Department, and state and local law enforcement personnel participating in this investigation. It is also based upon my personal involvement in this investigation and on my training and experience. In submitting this affidavit, I have not

included each and every fact known to me about the investigation, but instead have included only those facts that I believe are sufficient to establish the requisite probable cause.

II. FACTS AND CIRCUMSTANCES

5. On December 16, 2013, at approximately 8:30 a.m., the Harvard University Police Department, two officials of Harvard University, and the president of the Harvard Crimson, the university's daily student newspaper, received identical e-mail messages bearing a "subject" line that read "bombs placed around campus." Each of the e-mail messages read as follows:

shrapnel bombs placed in:

science center
sever hall
emerson hall
thayer hall

2/4. guess correctly.

be quick for they will go off soon

The Science Center, Sever Hall, Emerson Hall, and Thayer Hall are buildings on Harvard University's main campus in Cambridge, Massachusetts.

6. In response to the e-mail messages, the Harvard University Police Department immediately notified the FBI. The FBI immediately began an investigation on the Harvard University campus, in coordination with the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the United States Secret Service; the Harvard University Police Department; the Cambridge Police Department; the Boston Police Department; and the Massachusetts State Police. Dozens of law enforcement officers, along with numerous other first responders, such as firefighters of the Cambridge Fire Department, immediately went to the vicinity of the buildings specified in the e-mail messages.

7. Each of the four buildings was immediately evacuated. Over the course of the next

several hours, bomb technicians and hazmat officers conducted thorough sweeps of each of the four buildings. Law enforcement personnel ultimately concluded that no explosive devices had been placed in any of the four buildings

8. In the course of this investigation, I have learned that the person who sent the e-mail messages described above took steps to disguise his identity. Specifically, Harvard received the e-mail messages from a service called Guerrilla Mail, an Internet application that creates temporary and anonymous e-mail addresses available free of charge. Further investigation yielded information that the person who sent the e-mail messages accessed Guerrilla Mail by using a product called TOR, which is also available free of charge on the Internet and which automatically assigns an anonymous Internet Protocol ("IP") address that can be used for a limited period of time. Every computer attached to the Internet uses an IP address, which is a unique numerical identifier, to identify itself to other computers on the Internet and direct the orderly flow of electronic information between them. IP addresses typically consist of four numbers between 0 and 255 separated by periods (*e.g.*, 216.239.51.99). Both TOR and Guerilla Mail are commonly used by Internet users seeking to communicate anonymously and in a manner that makes it difficult to trace the IP address of the computer being used.

9. Harvard University was able to determine that, in the several hours leading up to the receipt of the e-mail messages described above, ELDO KIM accessed TOR using Harvard's wireless network.

10. On the evening of December 16, 2013, an FBI agent and an officer of the Harvard University Police Department interviewed ELDO KIM at the building in which he resides on the Harvard University campus. During the interview, the FBI agent advised KIM of his rights under *Miranda*. KIM read and signed an advice of rights waiver, stating that he understood his

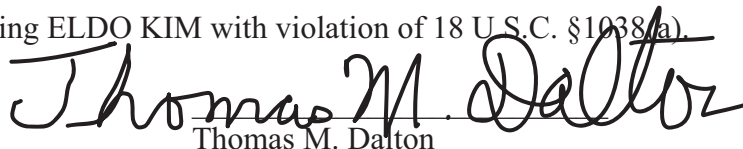
rights. KIM then stated that he authored the bomb threat e-mails described above. KIM stated that he acted alone. He further stated that he sent the e-mails to "five or six Harvard University e-mail addresses" that he picked at random from the university's web page. According to KIM, he was motivated by a desire to avoid a final exam scheduled to be held on December 16, 2013.

11. KIM further stated that he sent all of the threatening e-mails at about 8:30 a.m. and that he used TOR to create a "guerrillamail.com" e-mail address for each of the e-mails. KIM explained that he sent all of the bomb-threat e-mails from his MacBook Pro Laptop. KIM stated he chose the word "shrapnel" because it sounded more dangerous and wrote, "2/4. guess correctly," so that it would take more time for the Harvard Police Department to clear the area.

12. KIM was scheduled to take a final exam in Emerson Hall, a building on the Harvard campus, at 9:00 a.m. on December 16, 2013. KIM stated that he was in Emerson Hall at 9:00 a.m. when the fire alarm sounded and the building was evacuated. According to KIM, upon hearing the alarm, he knew that his plan had worked.

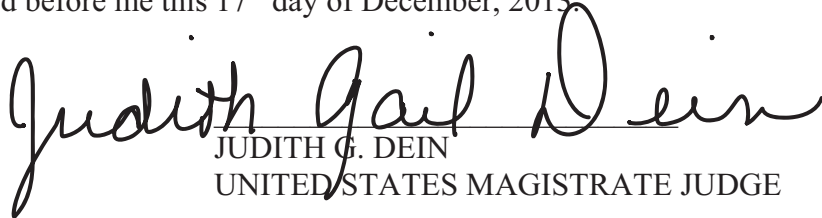
III. CONCLUSION

13. Based on the foregoing, there is probable cause to believe that on or about December 16, 2013, ELDO KIM engaged in conduct with intent to convey false and misleading information under circumstances where such information may reasonable be believed and where such information indicated that an activity had taken place that would constitute a violation of 18 U.S.C. §844(i), to wit, that explosives had been placed in buildings used in interstate and foreign commerce, all in violation of 18 U.S.C. §1038(a). Accordingly, I respectfully request that the Court issue a complaint charging ELDO KIM with violation of 18 U.S.C. §1038(a).

A handwritten signature in black ink, reading "Thomas M. Dalton". The signature is fluid and cursive, with the first name "Thomas" and last name "Dalton" clearly legible.

Thomas M. Dalton
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this 17th day of December, 2013.


JUDITH G. DEIN
UNITED STATES MAGISTRATE JUDGE