

Case 30: Dallas Skyscraper

John Mueller

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Still a teenager when arrested in 2009, Hosam Maher Husein Smadi, a Jordanian in Dallas on a student visa who suffered from depression and schizophrenia, sought to “reach out,” as they say, on the internet to find people like him who were violently opposed toward American foreign policy in the Middle East and particularly toward Israel’s policy toward Gaza, which in 2006 included a military incursion that had resulted in the deaths of hundreds of Palestinians. His messages suggested a “vehement intention to actually conduct terror attacks in the United States” according to the arrest warrant. This, none too surprisingly, attracted the attention of the FBI.

In March 2009 an Arab-speaking agent, posing as a senior member of an al-Qaeda sleeper cell and probably quite a bit older than Smadi, responded. Within a few months, they, together with two other agents, had hatched a plot to bring down (“God willing”) a 60 story skyscraper containing several financial institutions by exploding a car bomb in its underground garage. Smadi drove a Ford Explorer with a fake bomb into the garage, and then attempted to detonate it with a cell phone at a distance safe from the proposed blast but not from the FBI agent sitting next to him.

Throughout, Smadi remained blissfully innocent of any training or experience with explosives, of any awareness that a car bomb in a parking garage is scarcely likely to topple a tall building (as was demonstrated in 1993 with the first attempt, with a much bigger bomb, on New York’s World Trade Center), of any concept of how financial institutions are quite able to survive the destruction of their physical offices (as was demonstrated in 2001 with the successful attempt on New York’s World Trade Center), and, it appears, of any suspicion that people one picks up on internet chats might just possibly be duplicitous.

As with the Bronx synagogues case (Case 25), the FBI pursued the venture to the point of having their man actually push the button. As Lauren Brady stresses, however, in this case the FBI agents appear in addition repeatedly to have given Smadi an opportunity to abandon the project and to adopt non-violent means to express himself. This approach, as she further notes, helps considerably to undercut the entrapment defense, and it was applied in the Oregon case a year later (Case 38).

Obviously, Smadi would never have been able to carry out an attack remotely like this without a very great deal of help from his seemingly friendly accomplices. Brady points out, however, that he seems to have been determined to do something, somehow, somewhere; and perhaps in time he could have uncovered a truer kind of friend, one with real mayhem in mind. But, given Smadi’s limited capacities, his mental instability, and his absurdly reckless tendency toward self-exposure, anyone contemplating conspiratorial terrorism would be well advised, as a practical matter, to avoid his complicity and comradeship.

He is scheduled to be released from prison, and then sent back to Jordan, when he is 44.

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1. Overview

On September 24, 2009, Hosam Maher Husein Smadi, a 19 year-old Jordanian, attempted to detonate a car bomb in the underground parking garage of Fountain Place, a 60-story financial center located in downtown Dallas, Texas.¹ The bomb was inert and was provided by the FBI, which had undertaken an undercover operation on Smadi after discovering his violent remarks on an Islamist extremist website.² Undercover agents, posing as members of al-Qaeda, repeatedly met with Smadi, recording conversations in which he professed his allegiance to Osama bin Laden and his desire to commit violent jihad against America and those that stood against Islam.³ The agents also traveled with Smadi on reconnaissance missions to possible attack targets around Dallas.⁴ They offered him many chances to change his mind and back out on the plan, reminding him that there are many other acceptable, non-violent alternatives for Muslims to fulfill their jihad duties, but Smadi continuously rebuffed these offers, insisting he was committed to violent jihad.⁵ On the day of the intended attack, Smadi drove an SUV with the fake bomb to Fountain Place, left the building on foot, and was picked up by an undercover agent and given a cell phone that he believed to be able to detonate the bomb.⁶ As soon as he dialed the detonation number, he was arrested by the FBI.

Smadi was charged in a federal criminal court with one count of attempting to use a weapon of mass destruction and one count of bombing a public place.⁷ The latter count was dropped in a plea bargain in which Smadi agreed to plead guilty to attempting to use a weapon a mass destruction in exchange for a reduced sentence.⁸ Attempting to use a weapon of mass destruction normally held a maximum sentence of life in prison, but under Smadi's plea agreement the maximum sentence under consideration would be capped at 30 years.⁹ The sentencing hearing focused on Smadi's mental state, and

¹ United States Attorney's Office, Northern District of Texas, "Federal Bureau of Investigation - The Dallas Division: Department of Justice Press Release." *Federal Bureau of Investigation—Dallas—Homepage*, September 24, 2009.

² United States District Court, Northern District of Texas, *United States of America v. Hosam Maher Husein Smadi—Warrant for Arrest*, September 24, 2009, 3.

³ United States District Court, *U.S. v. Smadi*, 4-5.

⁴ United States District Court, *U.S. v. Smadi*, 7.

⁵ United States District Court, *U.S. v. Smadi*, 6.

⁶ United States District Court, *U.S. v. Smadi*, 11.

⁷ Associated Press, "National Briefing | Southwest; Texas: Not-Guilty Plea In Bombing Case," *New York Times*, October 27, 2009.

⁸ Jason Trahan, "Dallas Bombing Plotter Hosam Smadi Sentenced to 24 Years in Prison," *Dallas Morning News*, October 20, 2010.

⁹ *Ibid.*

the defense argued that he suffered from depression and schizophrenia.¹⁰ On October 19, 2010, Federal District Court Judge Barbara M.G. Lynn sentenced Smadi to 24 years in prison and deportation upon release.¹¹

2. Nature of the adversary

Hosam Smadi was born June 5, 1990 in Ajloun, Jordan.¹² Smadi's defense team stated that he grew up a Muslim but was in a religiously tolerant environment, went to Christian schools, and was taught that God loves all people regardless of their religions.¹³ The defense also states that Smadi had a relatively difficult childhood. During the sentencing hearing, Smadi's father detailed the domestic abuse that occurred in the home, claiming that he was physically abusive to both his wife and children.¹⁴ According to defense documents, Smadi began to experience signs of depression and mental illness when his parents separated, and "completely fell apart" when his mother died of brain cancer in 2006.¹⁵ Smadi came to the United States with a student visa in March 2007 to have a change of environment.¹⁶

When Smadi first arrived in the U.S., he stayed in San Jose, California with the family of a retired Jordanian businessman who knew his family.¹⁷ He stayed there for only three weeks, and then moved to a room above a restaurant where he had gotten a job.¹⁸ While in California, Smadi was visited by his father, who noted significant changes in his son. His father said that he was shocked to find Smadi wearing earrings, smoking, and drinking alcohol.¹⁹ Friends of Smadi in Texas claimed that he said he moved to Texas in April 2008 when he was offered a cashier job by a Syrian-born man named Tamer Kadah, who managed the Texas Best Smokehouse in Italy, Texas.²⁰ Friends in Texas also stated that Smadi said that he had been staying with his younger brother in California, and had been attending school but dropped out. He claimed that there had been a fire at his brother's apartment and he had to move out.²¹

Friends of Smadi's in the tiny town of Italy, Texas claimed that he was an outgoing young man who drank and smoked marijuana with people he met at his living complex. They said he did "endless favors for his friends, held barbecues, and baby-sat for neighbor's children." He often wore flashy black clothes, earrings, and a fancy belt buckle. He enjoyed American action movies and he

¹⁰ James C. McKinley, "Texas: Jordanian Sentenced in Bomb Plot," *New York Times*, October 19, 2010.

¹¹ *Ibid.*

¹² United States District Court, *U.S. v. Smadi*, 3.

¹³ Melody McDonald, "Defense in Dallas Terror Plot to Depose Jordanians in Amman," *Dallas Morning News*, March 10, 2010.

¹⁴ Scott Gordon, "Smadi Sentencing Highlights Mental Illness, Domestic Abuse," *NBC Dallas-Fort Worth*, October 21, 2010.

¹⁵ McDonald, "Defense."

¹⁶ Gordon, "Smadi."

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Gordon, "Smadi."

²⁰ McKinley, "Friends."

²¹ *Ibid.*

frequently went to dance clubs in Dallas that played techno Arab music and was said to play the music and dance wildly around his own home. Friends claimed he enjoyed the freedom and being away from the strict social norms of Jordan. He never showed any observable hatred towards Americans. Though his father claimed he was never very interested in his Muslim faith, friends in Texas described him as an observant Muslim. There is no mosque near Italy, Texas, but he had a prayer rug and prayed five times a day in his apartment and fasted once a month and during Ramadan.²²

In June 2008, Smadi married a local girl named Rosalinda Duron, who worked with him at Texas Best Smokehouse.²³ He told none of his friends about the marriage, and the couple separated after three months; they are not divorced and remained friends.²⁴ Smadi's father claimed that Smadi told him that it was a sham marriage to get a green card, and that he did not live with his wife and that she had a boyfriend.²⁵ His wife claimed that Smadi was always on his laptop and on Arabic chat lines; he claimed it was how he spoke to his family.²⁶ He attracted the attention of the FBI in January 2009 for his posts on an online extremist forum.²⁷

Smadi did have a minor criminal past, being jailed briefly in Jordan in 2004 for begging and for theft.²⁸ He was not affiliated with any Islamists or anti-American hate groups, but his father expressed concern over an increasing devotion to Islam he developed while in the United States. According to his father, Smadi previously had no interest in Islam or the Israeli-Palestinian conflict, but later became obsessed with both.²⁹ He would pray a lot, read the Quran, and talk about how Israel destroyed Gaza.³⁰

It does not appear that Smadi was ever officially diagnosed with any psychological problems before his arrest. During his testimony at the sentencing hearing, his father admitted that he never sought professional help for his son due to the stigma attached to seeing a mental health specialist in Jordan. Smadi's defense team claimed that he suffers from schizophrenia. Dr. Xavier Amador testified that Smadi was a schizophrenic who had out of body experiences, visions of "jinns," or Arab spirits, and amnesia made worse by his near constant drug use while in Texas. However, the government's expert, Dr. Raymond Patterson, testified that Smadi was not schizophrenic and that the supposed hallucinations were meant to trick officials into believing that he is mentally ill.³¹

Overall, Smadi appears to fit both the government's portrayal of a violent Islamic extremist and his defense team's portrayal of a mentally troubled youth. His psychological and social problems seem to have begun in Jordan and were

²² McKinley, "Friends."

²³ Ibid.

²⁴ Ibid.

²⁵ Gordon, "Smadi."

²⁶ McKinley, "Texas."

²⁷ Trahan, "Dallas."

²⁸ McKinley, "Friends."

²⁹ Trahan, "Sentence."

³⁰ Gordon, "Smadi."

³¹ Trahan, "Sentence."

exacerbated by his move to the U.S. It is very possible that despite his outward acceptance of U.S. dress and behavior, he struggled with his traditional Muslim faith in his new environment, and turned to Islamic extremism in his frustration.

3. Motivation

According to the recorded evidence taken by the undercover agents of the FBI, Smadi was motivated by a devotion to Islam and Osama bin Laden. During his conversations with the undercover agents, he “made clear his intention to serve as a soldier for Usama Bin Laden and al-Qaeda, and to conduct violent jihad” within the United States. His motivation stems from a general defense of Islam against the Christians and Jews, whom he holds responsible for the deaths of his Muslim brothers. He seems particularly angered by the Israeli-Palestinian conflict, and is recorded as stating, “the point is that thousands of Muslims have been killed in Gaza at the hand of Jews-the-dogs and the silent disloyal backsliders. Those are the Arab kings and, God willing, their end will be the hanging rope and hell.” He is also motivated by revenge for U.S. and Western foreign policy in the Middle East, stating that he “will never forget Iraq, Palestine, Afghanistan or any Muslim land where tyrants have taken over.”³² To Smadi, the United States is an enemy of Islam, and the best type of jihad is violence against the enemy of Islam.

According to his defense team, Smadi was a troubled youth suffering from depression and schizophrenia, and he was motivated by the encouragement he received from the undercover agents who became his closest companions. His defense attorney argued that Smadi’s mental issues and troubled family life made him particularly eager for the praise and encouragement provided by the undercover agents, and that he began to think of one of the undercover agents as his brother. Smadi bonded with the agents, and when they told him that his mother was pleased with what he was doing and that they “insisted” that he choose a bomb target, he went along with the plan. He may have truly believed what he was doing was right, but the defense argues that his motivations were to achieve the acceptance of the undercover agents rather than a true desire to harm others.³³

4. Goals

According to statements recorded by the undercover FBI agents, Smadi’s goal was to wage violent jihad against the United States in order to harm an enemy of Islam and advance Muslims’ position in the foreign conflicts of Palestine and Iraq. On a practical level, he wanted to attack American targets that he believed were specifically aiding the United States in its actions in the Middle East, saying that “everything that helps America on its war on Arabs will be targeted.” By striking a financial center, he hoped to devastate the U.S. economy that funded its wars.³⁴

³² United States District Court, *U.S. v. Smadi*, 4-5.

³³ Trahan, “Dallas.”

³⁴ United States District Court, *U.S. v. Smadi*, 3-7.

On a broader level, Smadi was recorded as saying that his was going to “expel the Jews from the land of holy Jerusalem, land of the two tributaries, and Iraq.” He wanted to “destroy all Romans [Christians] and all the religion’s enemies”, and “kill and behead the backslider operatives in the Levant and land of Muslims.” When asked by the undercover agents what he would have done had he never met the al-Qaeda “sleeper” cell fabricated by the FBI, Smadi replied that he would have kept searching for such a group to be a part of, because he felt that Bin Laden’s group and those like them are truly the righteous.³⁵ His goal was to commit violent jihad by attacking America in order to harm a perceived enemy of Islam and to expel all non-Muslims from the Middle East.

5. Plans for Violence

While others on the website openly endorsed violence, Smadi stood out “based on his vehement intention to actually conduct terror attacks in the United States.”³⁶ However, at this point in the investigation he did not appear to have any concrete or established plans for violence. In March 2009, an FBI undercover agent introduced himself to Smadi as a senior member of an al-Qaeda sleeper cell and began recording Smadi’s intention to commit a terrorist act in the U.S. Smadi declared that he wanted to destroy targets that specifically aided the U.S in its wars in the Middle East.³⁷ The government claims that it was Smadi who came up with attack plans on his own, while the defense argues that Smadi was pressured into developing specific plans by the undercover agents.³⁸ In June 2009, Smadi told the agents that he wanted to target buildings belonging to the largest credit card companies in America in order to strike at the U.S. economy.³⁹ Even without a chosen target, he determined that a car bomb with remote detonation would be the most secure mode of attack, calling such a plan “a very fast operation, smart, and decisive.”⁴⁰

Smadi considered additional targets along with the major financial centers. Inspired by the Little Rock, Arkansas attack (Case 26), he considered the National Guard Armory in Dallas, but after surveillance determined that it was an unacceptable target. He also considered planting a bomb in a restroom at Dallas Fort Worth International Airport. He wanted to plant one bomb at the airport and one at a bank branch and then detonate them within 15 minutes of each other. But after surveying the airport, he determined that security there was too strong and the operation would be too risky. He then decided that instead of attacking the small bank branch he had identified, he wanted to go for “the big fish” and attack the Wells Fargo bank inside Fountain Place, a Dallas skyscraper that housed several financial institutions and has a memorable glass exterior. He was particularly interested in the possible economic turmoil that could result from the destruction of a financial center, stating that “the losses will be excessive in credit

³⁵ United States District Court, *U.S. v. Smadi*, 6-7.

³⁶ United States District Court, *U.S. v. Smadi*, 3.

³⁷ United States District Court, *U.S. v. Smadi*, 7.

³⁸ Trahan, “Dallas.”

³⁹ United States District Court, *U.S. v. Smadi*, 9.

⁴⁰ United States District Court, *U.S. v. Smadi*, 7.

card information. Millions of people would incur losses: unemployment, poverty, hunger, and a strike to the head of the government.” He was very excited that Fountain Place was a trade building, just like the World Trade Center.⁴¹

In July 2009, one of the undercover FBI agents dropped Smadi off at Fountain Place and he conducted his own reconnaissance of the building. He found a bathroom in the basement that was suitable for planting a bomb, but in August 2009 he determined that using a car bomb planted in the underground garage would be easier and more effective. Smadi is recorded as stating, “I want to bring down the building, God willing.”⁴² He received no training from the FBI and does not appear to have been trained by any other source. He performed his own amateur surveillance and reconnaissance, but relied on the FBI to provide the vehicle-borne improvised explosive device (VBIED).

Smadi originally wanted to execute his plan on September 11, 2009, but decided to wait until after Ramadan ended on September 20. He was told that the VBIED would go off when the timer was turned on and then remotely detonated from a cell phone. The “sleeper cell” would provide the VBIED, but Smadi was to carry out the attack. The FBI rigged a 2001 Ford Explorer with an inert explosive device, and on September 24, 2009 Smadi drove to Dallas from Italy, Texas, and met up with one of the undercover agents. They then drove to pick up the VBIED. Smadi inspected it and conducted additional surveillance of the target location. He then drove the VBIED alone to Fountain Place, entered the parking garage directly beneath the building, set the device’s timer and flipped the power switch that he believed would enable the device to explode. He then exited and locked the vehicle, and left the garage on foot. An undercover agent picked him up in a vehicle and they drove several blocks away to detonate the bomb via cell phone. Smadi dialed the number that he believed would detonate the VBIED he had just placed underneath a downtown financial center crowded with people.⁴³ The phone number connected to a phone in the possession of law enforcement. Smadi was then placed under arrest by the FBI.

Smadi was recorded saying that “to sacrifice in person is the best type of jihad,”⁴⁴ but it seems that he never truly considered a suicide attack. Even his earliest plans mentioned remote detonation or planting a timed bomb. The undercover agent who was with him when he dialed the cell phone to set off the bomb said that he refused ear plugs so he could relish in the blast, and even took the time to put on a cowboy hat in the car.⁴⁵ He wanted to be present and bask in the glory of his success.

6. Role of informants

This case did not involve informants, but it did heavily rely on undercover agents of the FBI. Three undercover agents had direct contact with Smadi; all

⁴¹ United States District Court, *U.S. v. Smadi*, 7-9.

⁴² United States District Court, *U.S. v. Smadi*, 9-10.

⁴³ United States District Court, *U.S. v. Smadi*, 10-11.

⁴⁴ United States District Court, *U.S. v. Smadi*, 5.

⁴⁵ Jason Trahan, “Would-be Dallas Bomber Hosam Smadi Appears Enthusiastic in Video Made for Bin Laden,” *Dallas Morning News*, October 21, 2010.

three were native Arabic speakers and were previously employed by the FBI prior to this case.⁴⁶ An FBI undercover employee was part of an online group of extremists when he discovered Smadi posting violent jihadist remarks online. Smadi was singled out due to his intention to actually carry out terrorist attacks in the U.S. and the operative had over 10 online communications with him over a two month period beginning in January 2009. Once the operative assessed Smadi as a legitimate threat, he introduced Smadi to a second undercover employee as a senior member of an al-Qaeda “sleeper” cell in March 2009, and the second operative communicated with Smadi over 40 times. To further support the undercover operation, a third FBI undercover employee was introduced to Smadi as a lower level operational soldier in the “sleeper” cell and communicated with him over 15 times.⁴⁷ It was he who dropped off and picked up Smadi on the day of the attempted attack.

The FBI undercover employees recorded and translated their conversations with Smadi, many of which include expressed devotion to Osama bin Laden and violent jihad against the United States. Both the second and the third operative repeatedly encouraged Smadi to reevaluate his interpretation of jihad, urging him that jihad can be satisfied in many non-violent ways. They always stated that if he changed his mind, they could part ways and still be friends and brothers in Islam, and that he would suffer absolutely no repercussions. Each time, Smadi responded that he was dedicated to violent jihad and self sacrifice. When they asked him what he would have done had he not been contacted by the “sleeper” cell, he said that he would have kept looking for a likeminded group to be a part of, even if he had to leave the U.S. and join Hamas or the Taliban.⁴⁸

According to the government, the undercover employees did not encourage Smadi or develop the attack plans themselves.⁴⁹ They provided the VBIED and transportation that Smadi would have unlikely obtained on his own, but the targets and attack plans were entirely his. The FBI heavily emphasizes the undercover employees’ repeated offers to Smadi to abandon the project and fulfill jihad in other ways. According to the government, there is little case for entrapment other than the fact that they provided the “bomb.” The intent to kill, it seems, was entirely Smadi’s.

However, Smadi’s defense team claimed that this was definitely a case of entrapment, pointing to several instances where the FBI appeared to prompt a reluctant Smadi to commit the attack. They argued that the instruction and “aggressive encouragement” of the federal agents combined with his difficult past caused him to evolve into something that he would not have become without FBI involvement. Defense attorneys criticized the agents for praising Smadi anytime he mentioned violent jihad and for developing a familial bond with him that made him especially willing to please them. They said that the agents would tell Smadi that his mother was proud of him for what he was doing, and when he didn’t have a concrete plan in place, they would tell him that the clock was ticking. Yet, while

⁴⁶ United States District Court, *U.S. v. Smadi*, 4.

⁴⁷ United States District Court, *U.S. v. Smadi*, 3-4.

⁴⁸ United States District Court, *U.S. v. Smadi*, 5-7.

⁴⁹ United States Attorney’s Office, “Press Release.”

Judge Lynn noted that Smadi “got some encouragement along the way,” in the end she sided with the government and ruled that his actions were his own.⁵⁰

If there were no undercover agents involved in this case, it is extremely unlikely that Smadi would have attempted this particular attack and possible that he would have never become a terrorist at all. The Dallas attack required a VBIED, something that Smadi did not know how to obtain, build, or use on his own. He was a 19 year-old kid with no training in explosives, weaponry, or covert activities of any kind. Bringing down a skyscraper is not something he could have accomplished without a lot help. However, he espoused violent jihadist beliefs before any involvement by the FBI, and if he were to ever become part of an actual terrorist group or develop a strong bond with a group of like-minded youths, it is possible that he could have committed a terrorist act even without the assistance of the FBI.

7. Connections

According to the FBI investigation, Smadi never had any actual connections to al-Qaeda or any other terrorist network.⁵¹ He believed that the undercover agents he was meeting with were members of an al-Qaeda sleeper cell in the U.S., but he never met or spoke with any actual terrorists. He did profess a devotion to Osama bin Laden, whom he believed he was working for. Smadi recorded a video to bin Laden, in which he says that he hopes bin Laden will receive the greatest joy from his planned attack, and that there will soon be another date to celebrate along with September 11.⁵²

Smadi’s original interest in violent jihad is unknown. His father claimed that he grew up with little interest in Islam and Middle Eastern conflicts, but became a devoted Muslim obsessed with Israel-Palestine and other conflicts in the region.⁵³ This change seems to have occurred after he entered the U.S. and may have been self-motivated or caused by the culture change or online influences. It does not appear that he was directly influenced by any of his connections in his native Jordan.

8. Relation to the Muslim community

Smadi was raised a Muslim and is a citizen of Jordan.⁵⁴ His family observed Islamic traditions but, according to his father, Smadi did not have an extremely religious upbringing and never showed a strong devotion to Islam or interest in religious conflicts of the Middle East.⁵⁵ He attended a Baptist school in Jordan with a student body split evenly between Christians and Muslims.⁵⁶ His father stated that Smadi developed an interest in Christianity while in California, and considered converting before turning back to Islam when he moved to

⁵⁰ Trahan, “Dallas.”

⁵¹ United States Attorney's Office, “Press Release.”

⁵² Trahan, “Would-be.”

⁵³ Gordon, “Smadi.”

⁵⁴ Dave Tarrant, “Dallas Plot Suspect's Family Says He Was Troubled, Not a Terrorist,” *Ammon NEWS / Front Page*, October 4, 2010.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

Dallas.⁵⁷ Smadi's father said that he was shocked when he visited his son and saw that he had a prayer rug and was passionate about the plight of the Palestinians: Smadi had never shown a major interest in Islam or politics.⁵⁸ Smadi became a devout Muslim who read the Quran, prayed five times a day, and became increasingly concerned with conflicts in the Middle East.⁵⁹

While his devotion to Islam appears to have motivated his attempted attack in Dallas, he never belonged to a mosque in the United States and he received no assistance or support from the Muslim community, either in the U.S. or in Jordan.⁶⁰ There wasn't a mosque within reasonable traveling distance of Italy, the small roadside town in Texas where Smadi lived. The Muslim community does not appear to have supported him in any way.

9. Depiction by the authorities

The first mention of Smadi came in the Department of Justice press release in which he is accurately described as having a commitment to "significant conspicuous acts of violence under his banner of 'self jihad'." The government did not sensationalize Smadi and his attempted attack. They particularly mentioned that while Smadi showed devotion to violent jihad and Osama bin Laden, he was never actually associated with a terrorist organization. They also emphasized that because he was under FBI surveillance, the public was never actually in danger of an attack by Smadi. To combat accusations of entrapment, the FBI and the Department of Justice continued to highlight the fact that they repeatedly offered Smadi chances to leave the operation and perform his jihad in other acceptable ways and each time he vehemently refused.⁶¹

While the government's version of events seems accurate, it is not comprehensive in that it fails to mention Smadi's questionable mental health and the possibility of coercion on the part of the undercover agents. Overall, their depiction was as factual and accurate as can be expected from a body that is to both report the facts and ensure that their case results in successful prosecution.

10. Coverage by the media

Media coverage of the case was generally accurate, responsible, and non-alarmist. There was a bit more sensationalism in the Dallas media market than in the national news,⁶² but generally the lack of actual danger from Smadi's Dallas attack was emphasized. Early news coverage tended to just relay the facts of the case, and later articles emphasized the more interesting and complex facets that they government left unsaid. Much news coverage focused on Smadi's mental state and the role of depression and other mental illnesses in motivating his actions, with headlines such as "Smadi Sentencing Highlights Mental Illness, Domestic Abuse" and "Dallas Plot Suspect's Family Says he was Troubled, not a

⁵⁷ Gordon, "Smadi."

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ McKinley, "Friends."

⁶¹ United States Attorney's Office, "Press Release."

⁶² Jacquielynn Floyd, "What's Chilling about Dallas Bomb Plotter Hosam 'Sam' Smadi Is His Ordinarity," *Dallas Morning News*, October 22, 2010.

Terrorist.”⁶³ Others focused on the issue of entrapment and the evolution of the FBI’s methods in combating homegrown terrorism with sting operations, with headlines such as “In Terrorism Stings, Questions of Entrapment.”⁶⁴ Smadi’s situation also alerted the media to the lack of reliable system for tracking foreign visitors on expired visas, with headlines such as “U.S. Can’t Trace Foreign Visitors on Expired Visas.”⁶⁵ Overall, the media provided extensive and accurate reporting and responsibly delved into the possibilities of entrapment and mental illness, which were denied by official reports and statements from the government.

11. Policing costs

The FBI and the North Texas Joint Terrorism Task Force led an investigation on Smadi in 2009 from January through September, approximately nine months.⁶⁶ Costs of the investigation have not been made public, but according to the FBI, several agents, detectives, analysts, and prosecutors dedicated significant time and effort to bring about the arrest of Smadi.⁶⁷ The FBI did provide Smadi with minor expenses, like travel for his reconnaissance missions.⁶⁸ The FBI also provided him with the fake VBIED that he attempted to detonate in downtown Dallas. It does not appear that the government provided Smadi with housing or other significant financial support.

Smadi reached a plea agreement with the prosecution in which he pled guilty to the charge of attempting to use a weapon of mass destruction in return for a 30 year cap on the sentence that would normally hold a maximum of life in prison.⁶⁹ Because of the plea agreement, there was no actual trial or lengthy appeals process. There was, however, an extensive sentencing hearing that focused on Smadi’s mental state and troubled youth. Several expert witnesses testified for both the prosecution and the defense, and Smadi’s defense team traveled to Jordan to depose witnesses who could speak of Smadi’s past.⁷⁰ A sentence of 24 years in prison was handed down on October 19, 2010, nearly 13 months after Smadi attempted to bomb the Fountain Place. But while all court proceedings are expensive and lengthy, the plea bargain made Smadi’s process through the court system relatively short and likely less expensive than a full trial with appeals.

12. Relevance of the internet

The internet played a crucial role in this case, as the FBI first discovered Smadi online. An FBI undercover employee was a member of an online extremist

⁶³ Gordon, “Smadi.” Tarrant, “Dallas Plot.”

⁶⁴ Eric Schmitt and Charlie Savage, “In Terrorism Stings, Questions of Entrapment,” *New York Times*, November 29, 2010.

⁶⁵ James McKinley and Julia Preston, “U.S. Can’t Trace Foreign Visitors on Expired Visas—NYTimes.com,” *New York Times*, October 11, 2009.

⁶⁶ United States District Court, *U.S. v. Smadi*, 3, 11.

⁶⁷ United States Attorney’s Office, “Press Release.”

⁶⁸ United States District Court, *U.S. v. Smadi*, 7-8.

⁶⁹ Trahan, “Sentence.”

⁷⁰ McDonald, “Defense.”

group that Smadi frequented. According to the FBI, Smadi “stood out based on his vehement intention to actually conduct terror attacks in the United States.” After Smadi repeated his violent comments, the FBI undercover agent made contact with him online and had more than 10 communications with him over a period of two months. Once the FBI determined that Smadi was a legitimate threat, the online undercover agent introduced him to a second undercover agent posing as a senior member of an Al-Qaeda sleeper cell.⁷¹ The internet set in motion the entire undercover operation that would lead to Smadi’s attempted bombing and subsequent arrest.

13. Are we safer?

Yes. While Smadi’s only terrorist activities were acted out under the watchful eye of the FBI and he posed no actual imminent threat to US citizens, he displayed an earnest desire to attack the U.S. and could have been very dangerous had he found an actual terrorist network. The FBI singled out Smadi online because of his aspiration to move beyond rhetoric and into violence, and when given the opportunity he proved more than willing to carry out attacks that would surely kill many Americans. He clearly did not have the knowledge or resources to enact the Dallas bombing plan on his own, but when provided the resources he demonstrated himself to be significantly dangerous.

Perhaps the FBI could have monitored Smadi for a longer period of time before making contact with him, giving him time to mature and possibly grow out of his extremist views. But whether they simply monitored him or, as they chose to, took direct action, we are safer with him under the watch of the FBI.

14. Conclusions

The Dallas case is similar to many terror plots in the U.S., especially those occurring in the latter half of the decade since 9/11. It seems that there has been a pattern that consists of the FBI finding young, socially alienated Muslim men venting their frustrations by espousing violence, then swooping in under the guise of a terrorist “sleeper cell” and providing the knowhow and resources for these young men to actually enact their plans of grandeur. Early claims of entrapment have led the FBI to perfect their investigations by continuously having the young men clarify their intentions, giving the young men the option to change their minds, and having them actually detonate a fake bomb.⁷² The Dallas case precisely fits this pattern.

While Smadi was not actually part of a terrorist group, he believed himself to be, and his social needs may have contributed significantly to his motivation. The undercover FBI agents fulfilled an important leadership role in his life, and he respected them and began to view them as his brothers. Considering his difficult past, Smadi was ripe for guidance and connected easily with the undercover agents. Max Abrahms and Marc Sageman argue that it is the social

⁷¹ United States District Court, *U.S. v. Smadi*, 3-4.

⁷² “FBI Terror Stings: Entrapment or Prevention?” CBS News, November 30, 2010.

solidarity rather than the political return that motivates terrorists.⁷³ However, while Smadi's social needs may have made him more susceptible to influence by a terrorist group, his original underlying motivation seemed to be to wage jihad for Islam and retaliate against U.S. foreign policy in the Middle East. His overt political motivations run counter to the literature suggesting that people often become terrorists for non-political reasons.

The Department of Homeland Security issued a report in 2009 that suggested that most terrorist threats in the post-9/11 era are likely to be smaller and focused on low-security targets.⁷⁴ According to expert Brian Jenkins, the threat America is most likely to face today are "tiny conspiracies, lone gunmen, one-off attacks rather than sustained terror campaigns."⁷⁵ But this supposed trend away from large-scale plots, like the bombing of skyscrapers, obviously does not fit the Dallas case. Smadi was excited at the prospect of having a large target similar to those on 9/11, but as with many other terror plots since 9/11, the larger the target the smaller the actual threat.

However, Smadi did show an understanding of the potential drastic political consequences of an attack on economic, financial, and symbolic targets. Fountain Place is a major financial center in downtown Dallas, and its destruction would cause both mass casualties and economic troubles. But the large-scale nature of the plot and the fact that he could never have carried it out without the assistance of the FBI separates it from other recent plots that are smaller, more realistic, and therefore more threatening.

The sequence of events in the Dallas case is one that the FBI has seen before and one that they will certainly encounter again: they discover a young man espousing violent intentions either on the internet or through an informant, they send in undercover agents posing as members of a terrorist network, they provide the knowledge and resources that allow the young man to become an actual terrorist threat, and then they arrest him. But this case clearly demonstrates that the FBI has learned from past mistakes that have led to claims of entrapment. In the Dallas case, as well as subsequent similar cases, the FBI has actively encouraged the subject of their investigation to reconsider his plans for violence and achieve jihad in other ways. When the young men persist with their violent intentions, the FBI provides them with a fake bomb and enacts an elaborate plan in which the young man actually detonates a bomb that he believes will cause death and destruction. Entrapment is difficult to argue if the subject has been encouraged not to commit violence and then sets off a bomb he believes to be real. The extent to which the FBI is now willing to take a case prevents mistrials, acquittals, and legitimate entrapment defenses, and it returns to the government's war on terror some of the legitimacy it has lost.

⁷³ Max Abrahms, "What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy." *International Security*, Spring 2008. Marc Sageman, *Understanding Terror Networks*. Philadelphia: University of Pennsylvania, 2004.

⁷⁴ Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009.

⁷⁵ Brian Michael Jenkins, *Would-be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 13.

While many will still argue that young men such as Smadi would be perfectly harmless if not for the intervention of the FBI, the fact remains that they prove themselves to be a willing participant in terrorist activities. If an actual terrorist network had recruited Smadi and provided the appropriate resources, the outcome most certainly would be an actual attempted attack on the U.S. Men like Smadi are young, confused, and easily influenced, and these characteristics that make them willing to carry out an attack with the FBI also make them willing to carry out an attack with actual terrorists.