

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v

HOSAM MAHER HUSEIN SMADI

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No. 3:09-CR-264-M

UNITED STATES' SENTENCING MEMORANDUM

The United States asks the court to accept the plea agreement in this matter and sentence Hosam Smadi to 360 months imprisonment and a 5-year term of supervised release. The totality of the facts support this sentence. The government believes that by agreeing to a Rule 11(c)(1)(C) maximum sentence of 360 months, the defendant has received the benefit of any possible mitigating factors. The parties' 11(c)(1)(C) agreement is, in substance, an agreed downward departure from the applicable United States Sentencing Guideline of Life. However, the defendant requests a further departure from the 360 months to a sentence of 240 months. The government's position is that any sentence less than 30 years would be unjust based on the facts and circumstances of this case and would not serve the purposes of punishment or sentencing as set out in 18 U.S.C. § 3553.

The evidence clearly shows that Smadi was predisposed to commit this crime and that there was no entrapment, as Smadi has agreed by pleading guilty. While the defense argues some entrapment as a justification for a decreased sentence, a contextual review of all facts shows that Smadi made independent decisions and had many opportunities to

walk away, some deliberately created by law enforcement to determine his true intent. Despite additional actions taken by undercover agents to deter Smadi from his plan, he remained consistent and steadfast in his desire to commit the offense.

Although he attempted to recharacterize his intentions after he was arrested, before that time Smadi unequivocally and frequently stated his desire to strike America and the people who lived there, even stating that he moved to this country for that purpose. He also regularly and ardently articulated his love and admiration for Usama Bin Laden, and his desire to meet him and to join him as a jihād warrior. To gain this recognition from Bin Laden, Smadi knowingly drove a truck containing what he believed to be a bomb into a parking garage underneath a 60-story building. Smadi believed the bomb was capable of bringing down the building, thus killing or maiming thousands of people. Smadi parked the truck, armed the bomb, walked away, and retreated to a safe location to observe the explosion. Smadi took a "before" picture of the building, declined ear plugs so he could hear the blast, and pushed the button to detonate the weapon of mass destruction. Smadi was then promptly arrested by law enforcement agents.

Smadi independently undertook many preparations for this event, including surveillance, research, target selection, new clothing purchases, and internet and in-person communications with undercover agents. This was not an aberration or mistake. It was carefully calculated, with much thought and planning by Smadi. Smadi was so enthusiastic about this mission, that he repeatedly requested the opportunity to perform more missions after this one's successful conclusion.

Government agents acted appropriately in their undercover roles as terrorists. Smadi knew the risk that they were Intelligence agents, but after evaluating the situation he pressed forward.

Smadi has an adjustment disorder and does not suffer from schizophrenia, as Dr. Raymond Patterson explains in his detailed report. There is no evidence that Smadi's mental condition at the time of the offense and in his preparations leading up to it, affected his ability to make knowing and voluntary decisions, or that he is any more vulnerable or susceptible to suggestion than any other person. There is no evidence that law enforcement took advantage of any mental or emotional condition.

In addition to his claim that Smadi claims excuses of youth, and a deceased mother. There is no evidence that would indicate that these circumstances, while sad, have resulted in a mental illness that would excuse or mitigate Smadi's criminal behavior or his desire to violently strike the United States and her citizens. Finally, Smadi's sentence should be determined by the court who bases her decision on the unique facts and circumstances of this case.

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ATTACHMENTS

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- 8 Dr. Raymond Patterson's Curriculum Vitae
- 9 Hosam Smadi's medical and mental health records from Seagoville-FCI

I. Introduction

A clear understanding of the facts leads one to agree that Smadi is dangerous and deserves a serious sentence. While this introduction provides a general overview of the facts, the body of this sentencing memorandum adds more details. And a timeline of Smadi's communications and actions is attached to this memo behind Tab 1.

All communications Smadi had with undercover agents have been preserved and translated. Conversations, both written and oral, were predominantly in Arabic. These communications have been literally translated into English. A literal translation means the actual words written or spoken have been translated, not the translator's interpretation of the meaning behind the actual words written or spoken. The literal translations have also retained the original punctuation in the written Arabic messages. The Arabic written language uses very little punctuation compared to the English written language and that is reflected in the English translations. Because of the scant punctuation, it can be helpful to read the English translations by phrases.

A United States' Sentencing Exhibit List prepared for sentencing is attached to this memo behind Tab 2. Also behind Tab 2 is a DVD containing all of the exhibits listed. We do not expect the court to review all of the exhibits, as they are voluminous. But they are provided for reference or verification if desired. Each quote cited herein is referenced by the government exhibit number (GEX).

When reading the English translations, all information above the double line is for identification purposes or a translator's note, and not part of the translation. All information below the double line is a literal translation of the content of the original

Arabic communication. All translations have been provided to the defendant; no objections have been received.

General Overview of Facts

At some point in Smadi's life he began visiting radical jihadi¹ websites. In January 2009, he eventually posted invitations for assistance, requesting tools so that he could, in his own words, "strike [America's] interests in their own home." GEX 2, p.11. Smadi's repeated requests for help and his statements of proposed action show his predisposition to commit this crime. A discussion of Smadi's predisposition is addressed in section II of this memorandum. Even on this radical website, his postings stood out from others. Consequently, a FBI undercover employee posted a response to Smadi's invitation. This began an exchange of emails between Smadi and Al-Karkhi, the undercover employee (identified as UC1).

It is important to note that while Smadi was posting to the worldwide web invitations for assistance, he was also receiving emails from individuals not connected with the government. Some of these emails contained radical ideas and pictures. (See these emails behind Tab 3.) These emails show that Smadi's communications concerning his ideas were not limited to the government. Unlike these other individuals, the government never sent graphic pictures to incite Smadi, nor did it bombard Smadi with propaganda as many radical groups do.

¹ Jihad is defined as (1) a holy war waged on behalf of Islam as a religious duty, (2) a crusade for a principle or belief. Webster's New Collegiate Dictionary.

When online, Smadi used the screen name Aba al-Ayyubi. This is a reference to Saladin, who was a Muslim warrior and leader who defeated the Crusaders and took over the Holy Land, putting it under Islamic control. Smadi obviously chose this screen name to present himself as a warrior. While Smadi used the screen name of Aba al-Ayyubi, his very first web posting contained his true email address - hussam.m@hotmail.com. Smadi's email address contained his true name, with the subscriber information also showing Smadi's true identity information.

At the beginning of Smadi's discourse with Al-Karkhi, Smadi provided his personal email address and they began exchanging emails. During the communications between Smadi and Al-Karkhi, Smadi requested a safe method of communication. Therefore, Al-Karkhi introduced a system to communicate that suggested to Smadi increased security and secrecy.² Smadi embraced this idea of covert communication, later even resisting a suggestion by the government to change their system of communication. Overall, Smadi and Al-Karkhi had 25 written, substantive communications - 13 from Smadi and 12 from Al-Karkhi. They also had 12 non-substantive emails that were alerts to inform the other of a substantive message - 6 from Smadi and 6 from Al-Karkhi.

Al-Karkhi communicated with Smadi for two reasons: 1) to determine whether Smadi was merely someone who wanted to express or vent radical beliefs, which is lawful, or whether he was someone who looking to act on his beliefs, as his initial

² Even though the United States understands this document will be sealed, in an abundance of caution, the United States has not explained this sensitive communication method herein. If an explanation is needed by the court, the government requests permission to provide further details in chambers with defendant's counsel.

postings indicated, and 2) to determine the identity and location of the person he later learned was Smadi.

Upon learning that Smadi resided in the Northern District of Texas, Al-Karkhi introduced Smadi to an undercover employee from Dallas, referred to as Undercover 2 (UC2). UC2 was known to Smadi as Rafiq. After this introduction, Smadi had no more contact with Al-Karkhi.

After the initial introductions, Smadi and Rafiq communicated regularly, primarily using the system requested by Smadi and previously set-up by Al-Karkhi. From March 8, 2009 through September 20, 2009, Smadi and Rafiq had 58 written, substantive communications - 30 from Smadi and 28 from Rafiq. They also had 53 emails that were non-substantive and were alerts to inform the other of a substantive message - 26 from Smadi and 27 from Rafiq.

During Smadi's written discussions with Rafiq and as a result of Smadi's repeated requests to meet in person, Rafiq (in writing) introduced Smadi to an undercover agent who would meet with Smadi in person. This undercover is referred to as Undercover 3 (UC3). Smadi knew UC3 as Hussein. Hussein portrayed himself as a lower-level operative reporting to Rafiq in the organization's hierarchy and who had been sent to check-out Smadi. It helps to understand each person's role, if it is remembered that Smadi communicates with Rafiq in writing only and with Hussein only orally.

Hussein met in person with Smadi on six occasions, including the day Smadi was arrested. To organize these meetings, Hussein talked on the telephone with Smadi 32

times. With perhaps two exceptions, these telephone conversations were non-substantive, merely organizing when and where they would meet. Smadi instigated many of these phone calls.

During the face-to-face meetings between Smadi and Hussein, Smadi made frequent statements describing his intention to commit violent jihad. The oral statements are consistent with his written statements to Rafiq.

Smadi had many opportunities and offers to reverse course and walk away from this unthinkable crime. Each time Smadi was presented with an opportunity to retreat, his response was consistent and fervent. During the first face-to-face meeting, in response to the question - are you sure of this [self-jihad], Smadi said: "I am sure one hundred percent. I mean, my goal, my life, since I was little. It was like an instinct in me, in my heart." GEX 206, p. 77. During the second face-to-face meeting, Smadi said repeatedly that he is one hundred percent sure that this is his path. GEX 214, p. 21, 42-45.

A fourth face-to-face meeting took place on July 21, 2009. In this meeting, Smadi announced his decision to change the target to a bank located in a large, glass building in downtown Dallas. GEX 240, p. 2. (He had provided research on the new target to Rafiq prior to meeting with Hussein. GEX 159.) During this meeting, Hussein gave Smadi the opportunity to make a video to be sent to Usama Bin Laden. In front of a video camera, Smadi read from a message he had prepared and, in his own words, declared his allegiance to Bin Laden and his desire to destroy America.

After discussing plans with Rafiq (in writing) and with Hussein (in person), Smadi made final operational decisions about the strike location and method. The date of the operation was set for September 24, 2009. While Smadi decided the date should not be during the religious holy days of Ramadan, the government set the specific date for operational reasons including safety.

Smadi did many things in preparation for his "blessed day." Just days before the offense, Smadi moved his residence to a remote location, despite Hussein's reassurances that it was not necessary. Other preparations included two Walmart trips. Two days before the operation date and unaccompanied by anyone, Smadi purchased new clothing to wear to the bombing. One day before, Smadi made another shopping trip to buy sufficient food and personal items to allow himself and Hussein to stay out of sight for a few days.

Smadi wanted to bring a gun with him and discussed it with Hussein. Smadi said he would use it in case of emergency, such as being approached by security. Smadi told Hussein that the weapon would be useful because he would "not let the operation fail." See GEX 258, p. 39-40. Hussein assured Smadi that no weapon was needed other than one's mind. However, a loaded Beretta pistol was found in Smadi's residence pursuant to a search warrant executed after Smadi was arrested.

The uncontested, essential fact is that on September 24, 2009, Smadi got into a truck that carried what Smadi had seen and believed was a weapon of mass destruction.²

² See Tab 4 for pictures of the weapon of mass destruction, the truck, as well as other pictures taken on the offense date.

Alone in the truck, Smadi drove into the underground parking garage beneath a giant skyscraper in downtown Dallas. Entering the garage, Smadi drove past a ticket booth occupied by a parking attendant. At this point, Smadi could have done any number of things to defeat the plan if he had wished. Instead Smadi consistently moved forward, placing the vehicle-borne improvised explosive device in a central place in the garage.

Multiple steps were required to arm the bomb. Smadi performed this procedure by first, opening a cell phone attached to the console of the truck and turning it on. Next, Smadi activated the timer by turning the dial past the 2 hour mark. Finally, Smadi flipped a switch on the device, which turned it on, thereby completing the procedure. With the explosive device armed, Smadi got out of the truck, locked it, and walked away.

If Smadi had done nothing more, and the bomb had been completely operational (which for public safety reasons it was not), the bomb timer would have expired and the bomb would have exploded causing extensive damage to the garage, the building, its occupants, and other people in the area.

Upon exiting the parking garage, Smadi calmly walked across the street and joined Hussein who was waiting for him. Smadi then expressed his concern that the truck bomb needed to be moved so that it would be in a more central spot in the garage - to ensure it brought the building down. Smadi said, "But what, I want-I want to get it closer and put it under the building exactly so that the whole building would go down." GEX 274, p. 40. Only after Hussein repeatedly assured Smadi that it would work, "guaranteed one hundred percent," was Smadi satisfied of his placement. *Id.*

Smadi and Hussein then went to the top of a nearby parking garage which provided them a good view of the target building. Smadi was very excited and even asked Hussein, "Don't you have a camera to take a picture too?" GEX 274, p. 40. Smadi had just taken his "before" picture. Hussein then told Smadi that he had brought him some ear plugs, to protect against the noise. Smadi responded:

SUB: No, there is no problem. I want to hear the, er...

UCE: You will hear it.

SUB: Blast.... The blast will be a strong blast, right? Around the whole area?

UCE: All of it. GEX 274, p. 43.

Smadi then dialed a cell phone that he believed would remotely detonate the weapon of mass destruction. In reality, Smadi was dialing a phone in the pocket of an FBI agent. This was the arrest signal to agents as well as proof that Smadi had taken the final step in his plan of devastation.

II. Smadi was predisposed to commit this crime.

Smadi was predisposed to commit this crime. Smadi's statements and actions before he ever had contact with the government show his predisposition. In fact, he claimed many times that he came to America to commit jihad. He was not enticed or induced to do anything that was not already in his heart or his mind.

A. Smadi expressed his passion for jihad multiple times before he had any contact with the government.

Smadi's actions before he began talking with the first undercover agent are critical pieces of evidence showing Smadi's predisposition to commit this crime. Smadi was spending time online on radical websites. Smadi admitted to Hussein that he "was on a jihadist website, a jihadist website, I entered jihadist websites--which specialize in al-Qaeda, Usama Bin Laden, the Sheikh." GEX 206, p. 56. At some point, Smadi began visiting a particular password-protected extremist web forum, reading and posting under the topic "The door of Jihad is open to whoever wants to participate." On this radical website, Smadi made the following postings:

January 8, 2009 - See GEX 1, p. 3. (emphasis added)

O' brothers I am in America if I can be of benefit Jordanian citizen however I need help and if necessary I will go to Jordan and from there Allah will facilitate **I just want to be with the resistance that is with Shaykh Usamah may Allah prolong his life and make him victorious Allah willing**

Note brothers that I dreamed that I was fighting with the Messenger of Allah Allah's peace and prayers be upon him on a pure Arabian horse and dreamed about most of the prophets and Messengers and in my last dream I was praying on the face of the moon however I want someone to show me my way by Allah **my blood is on fire for the jihad if only I can meet with the beloved Shaykh USAMAH** may Allah prolong his life my email for correspondence please my brothers, help me

hussam.m@hotmail.com

Correspond with me through mail Allah willing Allah is Most Great

Note that I am not from among those religious extremists however **the faith I have in my heart for the jihad for His sake until death and our meeting in paradise Allah willing**"

January 12, 2009 - See GEX 2, p. 11 (emphasis added)
There is no God but Allah and Muhammad is the Messenger of Allah

Brothers I am with him, and I am currently in America and I am able to strike their interests in their own home however I only need help with the tools as the targets are easy but there are no tools however by Allah and Allah willing we will strike them on their heads and humiliate them and let every traitor on the face of the earth know that if we do not get him we will find him in the afterlife in hell and the worst of fate Allah is Most Great Allah is Most Great.

O' Usamah I sacrifice the soul and the blood for you...and with Allah's permission, I will meet you.....

Allah The Messenger Usamah"

It should be noted that prior to Smadi's posting, in the same chain of communication, a warning is made by an unknown person to watch for entrapment:

My honorable brother

Be careful as the Internet world is not secure, and a member of intelligence may talk to you about the jihad and helps you, in order to trap you in the end..

May Allah help you and make you persevere" GEX 2, p. 6.

Despite this warning, Smadi posted his request for assistance. Additionally, Smadi makes two more web postings.

January 12, 2009 - See GEX 3, p. 2 (emphasis added)

O' brothers I am in America if I can be of benefit Jordanian citizen however I need help and if necessary I will go to Jordan and from there Allah will facilitate I just want to be with the resistance that is with Shaykh Usamah may Allah prolong his life and make him victorious Allah willing with..."

January 14, 2009 - See GEX 4, p. 2 (emphasis added)

Allah is Most Great arise for jihad you have my e-mail and you know where I am but I only want the support like the brothers and to go on the path of paradise may Allah grant you victory O' Usamah Allah is Most Great"

Smadi did not accidentally find himself on this website. Not only is this obvious from the multiple messages he posted on multiple days, but also from the picture at the top of the website page. Predominantly shown, in color on the top of the website page, is a jihadist soldier pointing a weapon. Smadi was looking for others who shared his desire for jihad and could provide the tools or weapons he needed to carry out his intentions.

It was only after these postings that Al-Karkhi, on January 22, 2009, posted a message in response to Smadi, which asked "if there is an opportunity for cooperation or for the exchange of opinions." GEX 6, p. 2. On January 26, 2009, Smadi responded by providing his personal email address. GEX 7, p. 2. Then Smadi acknowledged that he was aware of the risk he was taking by writing that "if you are intelligence good luck in hell. And if you are a mujahid" we ask Allah to strengthen us." This is evidence that Smadi was aware of the risks, calculated them, and made a conscious choice to move forward.

It is uncontested that Smadi had no contact with government agents when he sent his open invitation to the internet world, which pledged his adoration of and desire to meet Usama Bin Laden. He also expressed his passion for jihad and his ability to strike America's heartland, yet he lacks the tools to do so. These statements and actions by Smadi clearly show his strong predisposition to commit acts of violence in the name of jihad. The internet is a place where terrorists from around the world meet, gain strength,

⁴ Mujahid is defined as a Moslem engaged in what he considers to be a jihad.

pool their talents and resources, and plot together. If a government agent had not discovered Smadi first, it was only a matter of time before the real deal did.

B. Smadi stated that he came to America for the purpose of jihad.

On many occasions Smadi stated that he came to America for the purpose of jihad. After Smadi communicated through emails with Rafiq for approximately a month, Smadi was introduced to Hussein. Smadi had repeatedly asked Al-Karkhi and Rafiq to meet in person. During Smadi's first meeting with Hussein on April 22, 2009, Smadi talked about his purpose in coming to the United States:

- --and when I came to this country, I came for the purpose which is jihad for the sake of Allah. GEX 206, p. 51.
- --that this thing is in my heart, you know, I mean? ... This thing is my religion-- GEX 206, p. 52.
- Truthfully I came to this country for this purpose.... GEX 206, p. 53.
- But also, before my mother died, I mean this was...like you say, it was an instinct in me. GEX 206, p. 54.
- And jihad for the sake of Allah is now terrorism, you know? GEX 206, p. 55.
- I mean that my goal since I left Jordan, I, like you say, I am fascinated with Sheikh Usama. ... I, my life's goal now is to meet him, and join his army. Because, like you say there is the Greatest Forthcoming Campaign, it's nearing. GEX 206, p. 56.

The next time Smadi met with Hussein, Smadi again talked about coming to the United States for the purpose of jihad. On May 12, 2009, Smadi said:

So, I said another prayer after my mother died. So I prayed, thank Allah, er... I said the forgiveness prayer and, like you say, er, they call it the prayer. I mean it is the prayer you say before you do something, and ask good for success before you do that thing. I prayed that I come to America, and if Allah facilitates it for me that I join the

Mujahidin...who struck it, Usama's group, er, er, I mean. Because I feel that all Usama's group and everyone around them are a righteous group--I mean I do not see anything wrong with them. GEX 214, p. 19 (emphasis added).

Smadi expressed his passion for jihad many times before he had any contact with a government undercover agent. Also, Smadi repeatedly talked about having his goal for jihad before he came to the United States, and that he came to America for jihad. Smadi was predisposed to commit this crime, therefore undercover agents could not and did not entrap Smadi.

III. Smadi made his own independent decision to commit a violent crime against the United States and her citizens; he chose violence over viable non-violent options and remained steadfast in this desire.

A. Smadi made his own decisions, and was often quite bold in doing so.

The evidence clearly shows Smadi was predisposed to commit this crime. In fact, Smadi was his own man. Smadi made decisions independent of any other person. Even though Smadi often talked with or conspired with undercover agents about his operational plans, Smadi made his own decisions.

Significantly, Smadi made his own decisions each time he wrote and sent an electronic message through interstate commerce. Smadi independently decided to post jihadist invitations on a radical website. Smadi also made the independent decision to converse with the person who responded to his invitation. Smadi made the decision to provide Al-Karkhi with his personal email address. Smadi decided to communicate with Rafiq, once Al-Karkhi introduced him. And Smadi made the independent decision each and every time he drafted an email communication and sent it to Al-Karkhi or to Rafiq.

Smadi sent 19 messages to Al-Karkhi and Smadi sent 56 messages to Rafiq. Smadi decided, each time he sent a message, what to write. Smadi made each decision to send a message. No government agent sat with Smadi while he wrote and sent each message. No government agent threatened Smadi if he failed to send another electronic message.

When drafting a message, Smadi had time to contemplate what he wanted to say and whether or not he wanted to send it. On 75 occasions, Smadi made the choice to engage with people he had sought out - people he believed shared his desire for and belief in violent jihad. Smadi also independently decided to meet with Hussein, an individual whom he had never before encountered. On six occasions, Smadi concluded to further his plans to commit jihad by meeting with Hussein, discussing ideas and plans to strike America. Smadi also chose to tell Hussein his real name, where he lived, where he worked, and other personal information, including details about his family.

Smadi was no mere follower. A significant example of this is demonstrated by the target change he made and communicated on July 16, 2009. Smadi had been talking about targeting a specific location, outside of the downtown area. Then without warning or input from anyone, Smadi sent a message to Rafiq informing him of Smadi's decision to change the target.

The pictures here are coming as a result of my researches **I already decided to change the target [UI] let us make it the big fish instead of the smaller fish** for they are all fish in one sea

The main bank for the city and not the branch that we had already specified it

It will be an definite strong strike Allah willing it will shake the

currently shaken economy now in the state and the American nation because this bank is of the biggest [UI] this city

The name of the city DALLAS

The name of the state TEXAS

The name of the bank wells Fargo. GEX 130, p. 3 (emphasis added).

Smadi did his own research to find this new target, and even sent pictures of it to Rafiq. Smadi then went on to talk about the vast and varied devastation that his strike would inflict:

The losses will be heavy in the information the credit card millions of people will have already lost unemployment poverty hunger a strike on the head of the government and do not forget the psychological effects for the loss of this beautiful building in these pictures and the effects on the infrastructure and our joy of course for the success of this operation. GEX 130, p. 4.

Smadi independently made this significant decision, without any suggestion or question by the government. Communicating through the internet allowed Smadi time to reflect, without the presence or influence of an undercover agent. This decision shows that Smadi lacked any fear of negative consequences for changing the plans. These are the words and actions of a man who knew what he wanted, not of a man who was being led around by agents as the defendant now suggests.

Ultimately, Smadi chose a target consistent with his oft stated intention of destroying the economy. Despite alternative suggestions by Hussein, Smadi repeatedly returned to this idea and ultimately chose a target that would hurt the economy. On May 12, 2009, Smadi said to Hussein that he wanted it to be "something powerful... To shake their infrastructure." GEX 214, p. 160. On June 8, 2009, Smadi wrote to Rafiq: "there is

a good idea that already occurred in my head it will be of the strongest strikes Allah willing it will hit the domestic and world economy of their partners." GEX 109, p. 2. Near the beginning of his meeting with Hussein on June 24, 2009, Smadi changed the subject and raised his idea again:

Uh, an idea occurred to me...maybe the *credit card* companies in America, the biggest companies--are like those ones that drive the economy--and I expect them, I mean, to be targets.... I mean, like you would say, targeting the buildings that belong to the them.... I mean that the *credit card* is what drives America. ...I mean if one of a big *credit card* companies is attacked...the main location, which handles the *process* for the region--it will cause damage...I do not mean the main one, what I mean is--the main one for *Dallas*, in the *Texas* region." GEX 222, p. 12-13. "It will be a strike to the economy--specifically the economy." *Id.*, p. 14. "It will really shake the American economy, I mean, in an unusual way because, for instance, the economic situation is currently unstable now. *Id.*, p. 15. **...this way it will frighten them, and this one will shake the economy; it will be two attacks in one.** *Id.*, p. 36 (emphasis added).

About two weeks later, Smadi raised it yet again, this time to Rafiq. On July 8, 2009, Smadi wrote:

Allah willing when the operation takes place it will be a complete operation that has no traces even that I will have the alibi and it all is in need of the good and the complete planning and the patience until they and their intelligence perish in the search to no avail and **this means that we defeated them economically and we shook the infrastructure and planted the horror in their hearts** for we will truly be free among them and **we defeated them mentally and practically** and we are still alive to another appointed time. GEX 125, p. 3 (emphasis added).

Smadi wanted to shake the already weakened economy. On July 16, 2009, Smadi wrote to Rafiq: "It will be a definite strong strike Allah willing **it will shake the currently shaken economy now in the state and the American nation** because this bank is of the biggest [UT] this city." GEX 130, p. 3 (emphasis added).

When Smadi meets with Hussein on July 21, 2009, Smadi tell him about this change as well. Smadi explained that "It will be, I mean, the shaking of the economy will be more than if we strike the branch because, like you say, this one is for all of Dallas.... It received support from the American Federal Bank. I read its history." GEX 240, p. 4.

Smadi continues, "...the strike will be certain and strong, Allah willing. It will shake the economy in the state as the economy is shaky right now." *Id.*, p. 61.

Again, on August 8, 2009, as Smadi celebrated what would occur, when he wrote, "Allah willing that the operation is successful and it will be a shaking of the economy along with the ruined situation now...." GEX 136, p. 2. Smadi was consistent in his desire to strike America's economy. His chose to accomplish that goal by bombing a building of interstate commerce.

Another example of Smadi's independence was shown when he declined a suggestion made by both Hussein and Rafiq. During their meeting on April 22, 2009, Hussein suggested to Smadi that he and Rafiq change their online communication method. On April 24, 2009, Rafiq referenced Hussein's suggestion, and also suggested that they open a new email account for security. GEX 82, p. 3. However, on April 25, 2009, Smadi responded in two substantive paragraphs, stating his reasons for declining to implement the suggestion. Smadi wrote to Rafiq that he preferred to stay with "the method of communication which we are using now" because "It is an intelligent method." GEX 84, p. 2. It is significant that Smadi had a different opinion from both Rafiq and

Hussein and expressed it, which showed his independence. If Smadi was as vulnerable as the defendant now claims, he would have agreed to any suggestion presented.

Another significant illustration of Smadi's decision-making skills occurred just prior to September 24 when Smadi changed his residence. When Smadi mentioned changing his residence, Hussein told him not to worry about it, in one of the only substantive telephone calls they had. On September 19, Hussein called Smadi to set the strike date.

UCE: Are you ready?

SUB: I am ready.

UCE: Allah willing, 24, on the day of the 24th.

SUB: On the day of 24th?

UCE: Allah willing.

Then Smadi spoke up:

SUB: *Er, yeah*. Er- I was going to change the residence location.

UCE: Er, don't worry- Er, er, don't worry about the residence location, Allah willing, when we finish, we'll stay, say, a couple of days at your place. Allah willing, I will stay a couple of days at your place, Allah willing, the beginning, but don't worry about the residence location. But, my brother--

SUB: Alright. GEX 262, p.2-3.

During this conversation, Smadi again raised the topic, telling Hussein that he wanted to change his residence location. Hussein repeated his admonition, not to worry about moving, four separate times. Smadi replied each time by saying, "alright."

Nevertheless, Smadi moved "only a day or two" before the bombing date. Smadi found a new residence and moved all of his belongings to it. He abandoned his previous home and moved to a trailer in a secluded and remote area. This move was only Smadi's idea. Contrary to Hussein's counsel, Smadi made the decision to move. These significant examples reinforce that Smadi made his own decisions and was not led around by government agents.

B. Smadi wanted to do violent jihad, despite being given options to fulfill jihad in an alternative way.

1. Smadi had ample opportunities to walk away.

As discussed previously, Smadi could have physically walked away or mentally withdrawn at any time. Smadi only communicated with Al-Karkhi through the internet and never met him in person. Therefore it would have been easy for Smadi to stop preparing, sending, or responding to Al-Karkhi's emails. Instead, Smadi reached out to him 18 times. After Al-Karkhi introduced Smadi to Rafiq, Al-Karkhi ended his communications with Smadi. There was no continuing relationship, eliminating the argument that the undercover agents were "ganging up" on Smadi.

Similarly, Smadi only communicated with Rafiq through writing on the internet and never met him in person. Likewise, this physical distance made it easy for Smadi to stop preparing, sending, or responding to Rafiq's messages. Instead of turning away, Smadi reached out to Rafiq 56 times. Finally, after repeated requests to meet in person, Rafiq introduced Smadi to Hussein.

Smadi only communicated with Hussein in person or by telephone. They actually only met six times, approximately once a month. Smadi could have chosen not to go meet Hussein. Notwithstanding the opportunity to fade away, Smadi got up, moved, made plans, drove a distance, and managed his work schedule to visit with Hussein. Smadi spoke freely and openly with Hussein, a man who claimed to be associated with a terrorist group. Smadi's willingness to meet him on six different days removes the possibility that Smadi was playing a game or was insincere in his jihad objectives. Smadi's choices and efforts to regularly meet with Hussein show that Smadi wanted to participate in this terrorist plot and was willing to sacrifice for it.

Importantly, Smadi never had contact with more than one undercover agent at a time. He did not meet in a group with multiple undercover agents who could collectively overpower his will. During the first portion, Smadi communicated with Al-Karkhi only. During the next period of time, Smadi communicated with Rafiq only. Once Hussein was introduced, Smadi never communicated with them simultaneously. Smadi communicated with Rafiq only online and in writing, while Smadi communicated with Hussein separately and only in person. Hussein was there to talk with Smadi more openly than was possible online and report those conversations back to Rafiq. The fact that these communications were apart from each other provided Smadi with the space, physically and mentally, to make decisions for himself.

Smadi predominantly paced the online communications which was essentially a back and forth dialogue. Government agents did not press Smadi. They did not send

emails every day, or send multiple emails for every one Smadi sent. All of these small factors add up to show that Smadi was not pressed or coerced into making decisions, engaging in acts, or becoming someone he was not.

Smadi also had opportunities to reverse course and not to follow through with setting the bomb. On September 24, 2009, Smadi showed up. He did not have to. Smadi willingly got in the truck that contained the vehicle borne improvised explosive device. Smadi had looked at the bomb before driving that truck.⁵ This visual should have shocked Smadi into a realization that this was no game and that people were going to die. Instead, Smadi, alone, drove the truck bomb into the parking garage beneath a 60-story office building. Smadi could have driven away from the bombing site. Smadi could have stopped the truck, got out, and walked away. Hussein had given Smadi \$40 before he drove away alone. Smadi could have used that money to take a taxi to anywhere else. Smadi had many direct and indirect options to walk away. He did not take any of them, because this was the culmination of his goal.

Smadi could have exposed the plot to law enforcement, but he did not. Smadi bragged about his friendships with police officers. He was seen on numerous occasions talking with police officers at his workplace. If Smadi wanted to exit the path he was traveling, or get away from scary, bad men, Smadi had the opportunity at every encounter and in every conversation with his reported police officer friends to mention his concerns. Smadi could have shared his fears, if he had any, with these officers. Likewise, Smadi

⁵ See Tab 4 containing pictures from the offense day.

was arrested on September 11 for driving without a license and spent the night in jail.

This was a lengthy opportunity to find a person who could help him or rescue him or protect him. The fact the Smadi took none of these opportunities underscores his sincere intentions to harm America as he so frequently expressed.

Smadi did not back away from this endeavor because his desires were firm. He did not tell anyone because he did not want the plan to be foiled. Smadi spoke consistently of his desires and intentions - in his initial web postings sent to worldwide readers, in writing to Al-Karkhi, in writing to Rafiq, and in person to Hussein. This consistency reinforced by Smadi's own secrecy reveals Smadi's true nature.

2. Smadi was given specific offers to walk away.

There were many times when Smadi was told of alternatives to violent jihad. Each time Smadi was presented with this idea or option, he consistently responded, without apparent hesitation, that he wanted to destroy America. Smadi was also provided direct opportunities to walk away from this criminal path. Again, each time he refused. Smadi knew what he wanted and was pleased to have found people he believed wanted the same thing - the destruction of America and the fear of terrorism.

Under this slow pace of communication, predominantly set by Smadi, options were provided to him. Frequently, Smadi was told of the option to fulfill jihad in a non-violent way. Smadi always chose the option of violent jihad. Someone without the true desire to bomb a building, would have chosen to walk away.

a) Smadi was directly invited to walk away for the first time in March.

Within 10 days of being introduced to Rafiq, Rafiq questioned Smadi's choice and suggested that he consult his father who was coming to visit. Rafiq said to Smadi:

I was going to share with you the good news that calms your mind and speeds up your desire. But you say that your father is coming to visit you and you desire to ask his permission in your jihad. I truly congratulate you and congratulate your father in this commended behavior. O my brother truly Allah's contentment is in the contentment of the parents. Thus I and the brothers in the higher administration **do not want you to do anything you are not totally sure about and we also believe that the blessing of the parents is essential.** But O my brother do not [UI] His saying be He exalted in the verse that I mentioned above none other than: "And obey Allah and the Apostle, that you may be shown mercy."
I ask you to inform me specifically when your father arrives to you and when he departs and when you will get back to inform me of your decision. GEX 60, p. 3 (emphasis added).

Smadi's response the next day is significant:

My intention already was it is only to say farewell to the father so that he does not worry about me when I disappear from the view or go to what is facilitated for me because I was going to converse with him about my intention but my intention is my intention and my soul and my body Therefore I am determined about this matter and I will never retreat from it in any way of the ways unless if you do not assist me then I truly will remain searching to an extent that does not have an end I hope [UI] that you understand me I truly already said this because I am determined and already the opportunity has presented itself to me in the right path like my brother Abu-Mus'ab al-Zarqawi⁶ if you knew him and I will not lose this opportunity never ever because I do not know what is coming thus I do not want to join a non-Islamic group only because of prejudice or the ethnicity or something like this so like you my brothers I truly say it truthfully truly that my dream now is to be of the soldiers of Allah firstly for the support of the Islam and my beloved the Sheikh Osama

⁶ Abu Musab al-Zarqawi was a Jordan militant Islamist who claimed responsibility for numerous acts of violence in Iraq, including suicide bombings and hostage executions. See www.wikipedia.org.

may Allah prolong in his life I do not know what is in me and but I love him as I love my father and I do not want to add to this
Then the point my brother now is that thousands of the Muslims have already been killed in Gaza at the hand of the Jews the dogs and the silent traitors apostates I [sic] and they are the kings of the Arabs which Allah willing their end will be the hanging rope and hell

So their silence and their fight against the Sheikh means that they are apostates with the enemy in a world scheme which is the destruction of the Islam and the Muslims and the extortion of their lands for the benefit of the Jews and the love of unbelief

So by Allah and the one who created me there will not be a retreat at all even if they took me to Guantanamo the rest of my life
So I will never forget Iraq and nor Palestine and nor Afghanistan and nor every place where already it was mentioned in it there is no god but Allah Muhammad is Allah's Messenger

In the name of Allah the Gracious the Merciful **this is an oath from me to you my brother I am truly ready and if you were loving of the jihad as I am**

So I am truly ready by Allah for the jihadi life. GEX 62,p. 2-3
(emphasis added).

- b) Smadi was directly invited to walk away for the second time in April. Also, Smadi was invited to consult his father.

A couple weeks later, Rafiq again asked Smadi about his intentions. Notably, Rafiq told Smadi that Smadi could walk away and they could part as friends. Smadi was also provided options of fulfilling a peaceful jihad, through providing money or committing no sin. Rafiq invited as follows:

Therefore if you have any hesitation or doubt or fear then tell me. If the matter is as such then we depart now as friends and brothers in the Islam without hard feeling at all. And in this case you may perform jihad in a less dangerous way such as the jihad with your money or in training yourself in distancing from sins and indignities and desires. If that was your choice then we have known about you enough and we trust that you are a Muslim indeed and you will not reveal our [UI] and what you have discovered about us and our methods of communications. Then, my

question to you is which jihad do you desire? Is it a jihad with your self in the fighting against the infidels and the enemies of Islam or jihad of giving the money and the assistance or jihad of the soul that seeks perfection?

On the other hand if you chose the jihad with your self in the fighting against the infidels and the enemies of Islam then let me walk with you, prepare your training, introduce you to brothers like yourself, provide you with what is necessary, and get you to your goal. If this was your wish let us trust in Allah Almighty and complete your preparation for the jihad. GEX 68, p. 3 (emphasis added).

Rafiq did request that if Smadi chose a dangerous jihad, that Smadi would allow Rafiq to train him. If Smadi was insistent, which he appeared to be, the government could not let him seek others to provide his requested tools. Three days later, on April 7, 2009 and before Smadi's father's visit, Smadi responded that he has chosen the mujahid path.

My way as I said in the beginning is truly with you to the paradise on the path of the righteous ones so my brothers how dear to me that I perform jihad with you in the same rank in the same field with the same enemy **For I indeed chose to be a Mujahid in my soul and my blood and my spirit and my body** more precious to me than this world and its money and its women and its amusement

So by Allah

I will surely support Usama
And Aba Mus'ab al-Zarqawi
And al-Rantisi⁷

And all who performed jihad in this world
And I will surely expel the Jews from the land of the holy Jerusalem and the land of the two tributaries and Iraq and we will surely destroy all the Romans and all [UI] the religion and I will surely kill and I cut off the heads of the apostate agents in the Levant and land of the Muslims. GEX 70, p.2 (emphasis added).

⁷ Abdel Aziz al-Rantissi is considered a terrorist by the United States, the European Union, and Israel for organizing bombings of civilians. See www.wikipedia.org.

c) Smadi was directly invited to walk away for the third time in May.

After Smadi's father visited the United States and spent some time with his son, Rafiq asked Smadi, "So did the visit of your father change anything in your determination or your views?" GEX 91, p. 2. Remember that Rafiq told Smadi that his father's blessing was critical. Therefore, Rafiq was providing Smadi the opportunity to use his father as a shield and walk away under the pretense (or reality) that his father did not approve. Smadi rejected that opportunity and pressed forward. Smadi described his father's reaction to his jihadi mission.

Thank Allah already the father's visit was quick with some kind of the tension which what is after it is the reliance on Allah be He exalted Already I already consulted the father in the subject mere pleasing Allah be He exalted and but without any outside information and already came to him a kind of the awe I [UI] and that the capturing me happens or the danger that will be on me from the side of the enemies and the apostates and but I **already clarified to him that it is my wish in the jihad** thus he who fought for the word of Allah to be itself the most high then he is in the path of Allah be He exalted

And already the matters moved as desired in the latter days and but the worry already was confusing him and it is whispers of the Devils I seek refuge by Allah from them

And already I entrusted him to Allah and **he already understood it truly was my will**

And we too my brothers Allah willing our appointment is the paradise and the success in our jihadi operations that Will break the back of America and Israel and their allies Then their siege in our lands before transferring them and annihilating them all And changing the corrupted governments GEX 93, p. 2 (emphasis added).

d) Smadi was directly invited to walk away for the fourth time in July.

Again, on July 4, 2009, Rafiq explained to Smadi that there were other acceptable paths. Rafiq said:

But my dear, it is my duty to stress to you what I clarified in the past that if you had any hesitation in this [UI] for now the time has come to change your mind. Hence if you proceeded ahead then there is no chance after now for retreat. **And as I discussed with you in the past there are other kinds of the jihad that are acceptable by Him** be He exalted and are supported by the scholars other than the jihad by the soul and the person. You know that I love you as a brother in Allah and I wish to clarify to you perfectly as the father or the leader does. **There are many Muslims that will be granted the paradise by their jihad through their good deeds or purifying their souls.** I would like to know from you one more and final time if indeed you were determined on the jihad in your person truly and certainly. If the matter is affirmative then the equipment will surely get to you. And if it was the opposite, then indeed our relationship will change into brotherhood in the Islam. And then we will always love you as a brother in the Islam and you will be capable to help us and help the cause in many other ways. Please clarify for us your final decision. GEX 123, p. 3 (emphasis added).

Smadi responded that he is willing to die a martyr if required, would not leave the United States without striking them first, and would go in this path sooner or later. Smadi said:

O the dear brother you are thanked for your advice and your reiteration of the question once again about my desire in going forward towards this path for thank Allah I relied on Him **I truly will go in this path sooner or later and thank Allah this already was facilitated for me** with you and thank Allah I am happy and proud to truly be a hand of your hands **And this is my decision I ask [UI] you to accept me a brother with you for our path is one**

And I am truly here not to express the love of death and but if martyrdom was destined for me while I am in this road of mine so welcome to the great reward

I am truly Allah willing on this course until the Day of Judgement until we expel the Jews from the lands of Palestine and my expelling of every apostate Christian or Jew from the land of the Arabs for they are all one enemy they do not know Allah the One the Only polytheistic of Allah

So I will never stop until the moment of my martyrdom or a command from Allah be He exalted I am truly Allah willing now in their very home so I will not leave their home before striking them inside it and outside of it Allah willing

And we even were discussing about exiting for the departure or after the strikes and but I am not afraid so I prefer to be disguised in their midst using their way better than hiding from them
Illusion is better than the hiding. GEX 125, p. 2-3 (emphasis added).

- e) Smadi was directly invited to walk away for the fifth time in August.

Again, on August 15, 2009, Rafiq told Smadi that the time to strike the enemy is nearing, and asked, "are you ready?" GEX 141, p. 2. Smadi obviously was, as he said he did not want to waste this opportunity.

As for the two targets **the casualty rates will be high** because the two targets are about the same size and but the shape is different and since I already examined the first target and I already specified the suitable site for the planting in this building **we will not waste this opportunity** Allah willing. GEX 143, p. 2 (emphasis added).

- f) Smadi was directly invited to walk away for the sixth time in September.

Finally, on September 3, 2009, Rafiq tried to impress upon Smadi one last time the seriousness of the choices he was making. Rafiq said:

My dear, as the date of the victory gets near and the zero hour strikes I ask you to act with more precision and patience and to examine carefully what I will tell you now in the following lines summarizing and clarifying:

You from the beginning expressed your desire and courage to strike the enemy in his own home many times and repeatedly and you did not need except the equipment. We and with His He be exalted assistance prepared for you the equipment. You identified and pinpointed two targets and you chose well what you deemed the more suitable and the more secure. You studied and researched and informed us of your decision. We then sent to you the brother Hussein for the assistance and to secure the necessary equipment to achieve your goal. The brother Hussein told us in brief. However as a commander for this operation and others I want to hear from you directly. Thus if it is this target or that, there is no difference to me and if you entered to them by this means or that then the difference is slight. What is important to me is first your safety and consequently the possibility of repeating the operation behind the enemy ranks. As to the greatest goal for the operation it is to plant the terror in the enemy ranks and as you said in your last message perhaps the enemy will learn a lesson and perform the provisions that you itemized for the Commander.

O my brother that I love as a son and brother in the Islam **what indeed is important to me now as the date of the execution nears is to be sure that the decision is your decision.** I would like to know more then more what is in your soul and make sure of your comfort and to be certain that the coming operation with its details is your own choice. Please my brother, clarify for me what I asked you and assure me that you are determined and comfortable and that you indeed feel that the case is yours and that you are the decision maker and the intrepid in the mentioned operation. GEX 149, p. 2-3 (emphasis added).

Despite being a final, direct opportunity to walk away, Smadi replied, consistent with his expressed intent throughout the past nine months:

And but now my brother **I thank you for asking me another time about this and be advised and sure that there will not be any retreat** one of these days from my side **regarding my jihad** because it is my path to the Allah be He exalted and there is none more dear to me than that except He the Almighty and [UI] and [UI] and my mother and my father and you and my brothers and my friends so what I offer now I offer to the nation to the children who have been displaced and killed for no offence to those who lost their relatives and their children and their women and they were driven out of their residences by force and to those who sacrificed themselves and to those who were patient in the injustice and the unfairness and the torture and no one knows them but Allah He is the All-Seeing

Allah willing I am ready

Because **when I truly park the blessed car** the duration between my parking and my leaving the car should be small because **I truly want the execution before someone sees it** that it is not parked in the proper place and the discovery takes place and the time between my leaving the car and my exiting from it should be 5 minutes to seven minutes for the cracking if you understood what I mean and **this plot is very successful** and does not need anything until the time of the execution **and I will have exited from the place in less than seven minutes and the departure.** GEX 181, p. 3-4 (emphasis added).

On at least six occasions, Smadi was affirmatively asked if he wanted to change his course. Each time Smadi articulately explained his love for jihad and his desire to pursue this path. Smadi did not walk away, because he did not want to.

C. Agents tried to deter Smadi from this path, but he was determined in his goal to harm Americans.

Not only did Smadi have ample opportunities and offers to change course, undercover agents tried to deter him from this course. Early on, Al-Karkhi sent Smadi a document entitled "Theology of Jihad."⁸ This is a document that discusses the topic of jihad. Anyone who does not share these beliefs would be repelled by the document, the ideas contained in it, and the people sharing it. This was sent to Smadi in hopes that it would scare him off the path he was traveling.

Al-Karkhi sent the document to Smadi on February 9, 2009 as an attachment. See GEX 20. Smadi responded with a message on February 11 without mentioning the

⁸ The defendant's translation of this document is entitled, "The Jurisprudence of Jihad." However on GEX 20, to which the document was originally attached, it is entitled, "The Theology of Jihad."

document. Al-Karkhi sent Smadi a message on February 11, also, without mentioning the document. Then on February 16, 2009, Smadi sends his "thanks for the book you have sent and Allah willing I will read it all." This is the only time Smadi ever mentioned the document. And Al-Karkhi did not mention the document after initially sending it.

While the defendant now mentions this document repeatedly and argues that the government used the document to manipulate his thinking, this argument is not supported by the facts. If the government was using it to change Smadi's thinking, there would be quotes from it, references to it, and invitations for Smadi to read it. None of this was done. In fact, there is no evidence that Smadi ever read the document. He never referred to it. He never quoted from it. He never mentioned it. What we do know about Smadi is that he dropped out of school. He was a frequent drug user. He liked to party and hang out with his friends. And he worked as a cashier full-time, if not more. Smadi never was a studious person or one who read a lot. There is no evidence of Smadi's thinking or philosophy being influenced by this document in any way.

Another way government agents tried to deter Smadi was by introducing the use of a covert communication method. This method implied a greater secrecy and a more covert nature to their operations. This method of communication was a sign to Smadi that the conversations they were having were not something others would either understand or approve. This was a way to make Smadi consider the appropriateness and legality of his intentions and actions.

Undercover agents also tried to deter Smadi from his violent plans by mentioning terrorists in the news. These stories as reported in the news highlighted the disruption of the activities and the capture of criminals. Despite the warnings of consequences these stories held, Smadi pressed forward in his intentions.

On May 30, 2009, Rafiq mentioned the "bad news" about the "four brothers in New York... and how they were arrested by the police... for... preparing to blow up two synagogues." GEX 107, p. 2. Rafiq then inquired, "What is your feeling about what happened in New York and how does it affect your resolve? *Id.* Smadi said:

I was already disturbed for this news which happened as you say and but I did not know anything about it and but by Allah **Allah willing that our strikes be a joy for them in their prisons** hopefully my Lord blesses them and destine for them paradises in their intention so may Allah bless you for what you do and for what we will do I thank Allah many thanks I am truly with you

So I am truly reassured and I see a path that has a big success with you for the victory of our religion and restoring of our honor and east [sic] of every Muslim who performed jihad or is imprisoned or is martyred so by Allah **we will draw the happiness in their hearts even while they are in their prisons.** GEX 109, p. 2 (emphasis added).

Smadi viewed his mission success as something that would provide joy to his terrorist brothers who had been arrested in New York. Surely this was a warning to Smadi that if he attempted to blow up a building and was arrested, that he too would go to prison.

Both Rafiq and Hussein tried to deter Smadi by mentioning the Arkansas shooting where a man shot two soldiers at a recruiting center, killing one and wounding the other. Rafiq sent a message to Smadi where he mentioned this story as "good news." This was

not, and is not, good news to law abiding people. But to Smadi, who believed it was good news, also believed it could be even better news. Smadi said to Rafiq in response:

So O my beloved brother Allah willing our strikes will not be like these strikes which take place without thinking or consulting or even the intention as the actions are by the intentions and we do not aspire to harm a person or two persons we aspire to destroy the infrastructure and who is in charge of it for this satanic nation.... GEX 113, p. 2.

Hussein also mentioned the Arkansas shooting when he met with Smadi on June 24, 2009. GEX 222, p. 29. While Smadi should have hesitated when he heard another warning, this story gave Smadi no apparent hesitation. In response to it, he commented that the shooter was "not a clever one." Smadi commented that if it were him, he would go bigger and strike the head. He said:

I mean, if it happened to me, okay I will do it but at the same time you have your mind to think with; that you are...you are in, in their core. There is something more that you can do than killing a soldier, because the soldier-- because the soldier, when you attack the soldier [OV]...I want to attack the big head,... GEX 222, p. 30.

Smadi wanted not just one or two people injured, he wanted the entire infrastructure to suffer which affects hundreds and thousands of people.

To give Smadi another opportunity to be deterred, Rafiq encouraged Smadi to talk with his father about his jihad plans, as discussed previously in Section III(B)(2). Smadi did so, and emerged with a continued unwavering determination. Smadi was not deterred, because he could not be deterred. He was predisposed to commit this crime, came to America for this purpose, and was not open to deterring influences.

Other incidents also failed to deter Smadi. He was arrested on September 11, 2009 for driving without a license. He spent the night in jail which failed to deter him. In fact, in his message to Rafiq where he confessed his arrest and possible exposure of their plan, Smadi stated his steadfast resolve to carry forward. See GEX 156. Law abiding citizens, after even a small amount of time in jail, resolve to never do anything that may result in their return to jail. But not Smadi was not a law-abiding individual.

Seeing the bomb itself should have deterred anyone who was not sincere in their desire to kill people. If Smadi had been faking sincerity before, this moment should have sobered him to abandon his plan. Someone just playing around would have been physically ill at that moment as they considered the people who were about to die. But not Smadi, who pressed forward. Hussein, if called to testify, would say that on the offense date, Smadi seemed excited, not nervous.

Smadi was not deterred by seeing the people coming and going from this building. He also was not deterred when he drove the truck bomb past the ticket booth attendant on his way into the garage. Even though at least one of his victims now had a face, he was still undeterred.

Consistently, when presented with ideas or options that would shock and scare a peaceful person, Smadi continued to engage and sought more interaction with undercover agents who he believed were his jihad soul mates.

D. Smadi directed much more than is immediately apparent; he was the first to mention many terrorist ideas or to take forward steps in the relationship with undercover agents.

Smadi was the first to mention many terrorist ideas. It is only after looking at the words actually spoken that it becomes apparent that Smadi introduced many ideas and drove the advancement of the plans. The following includes a list of "firsts," all introduced by Smadi:

- first to reach out, with his multiple online postings, as previously explained in section II.
- first to mention striking targets, GEX 2, p. 11.
- first to mention Usama Bin Laden, GEX 3, p. 2. In fact, Smadi mentions Bin Laden five more times in the next handful of messages, and before the undercover agent mentions him once.
- first to mention jihad, GEX 4, p. 2. In fact, the next four times jihad is mentioned, Smadi is the one who talks of it three of the four times.
- first to mention Islam, GEX 4, p. 2.
- first request for a new means of communication, GEX 9, p. 2.
- first mention of destruction, GEX 12, p. 2.
- first to mention liberating Muslim lands, GEX 12, p. 2. This is consistent with Smadi's use of the online name Aba al-Ayyubi.
- first to suggest the use of a code word between them for security purposes, GEX 22, p. 3.
- first to suggest an opportunity to safely meet, GEX 12, p. 3.
- first to request a face-to-face meeting, GEX 26, p. 2.
- first to mention deleting computer cookies for security purposes, GEX 26, p. 2.
- first to cite verses from the Qur'an, GEX 34, p. 2.

- first to mention striking them in their homes, GEX 2, p. 11.
- first to mention Al Qaeda, GEX 206, p. 78.
- first to make contact in writing after Smadi met with Hussein in person for the first time. GEX 79 & 80. In fact, Smadi sent a message to Rafiq the next day.
- first to mention other cities as targets, GEX 214, p. 39.
- first to mention multiple operations, GEX 105, p. 2.
- first to mention Israeli embassies as targets, GEX 214, p. 43.
- first to mention destroying infrastructure, GEX 214, p. 160.
- first to mention the use of timed explosives, GEX 222, p. 14.
- first to mention the target being a building, GEX 222, p. 14.
- first to mention remote detonation, GEX 222, p. 14.
- first to mention hitting the economy, GEX 109, p. 2.
- first to mention using a car bomb, GEX 222, p. 15.
- first to mention putting the car bomb in a parking lot, GEX 222, p. 15.
- first to mention doing two operations on the same date, GEX 222, p. 36.
- first to mention airports as a target, GEX 222, p. 58.
- first to mention striking the head, not the body and organs, GEX 240, p. 5.
- first to mention entering Fountain Place from the parking garage, GEX 240, p. 50.
- first to mention producing a video in English after the bombing, GEX 132, p. 2.

While undercover agents must play their role, and participate in conversations that exchange thoughts and ideas, Smadi was more aggressive in his efforts to move the dialogue forward and to make plans that would destroy the United States.

IV. Smadi's true intent is clear from his own words and actions, including his repeated requests to participate in further missions after this attack.

Over more than nine months, Smadi expressed his true feelings about Americans, Christians, Jews, and those who support them. His true intentions to strike in the United States and fulfill jihad were repeated on many, many occasions. Smadi also repeatedly expressed his love and admiration for Usama Bin Laden. We know that Usama Bin Laden is the predominant face and figure behind terrorism since 9/11. To associate yourself with him and want to pay allegiance to him, places one solidly behind the philosophy and intention of destroying the United States and her people. Smadi was smart enough to know that his friends and associates in this country would not understand or approve of his love for Bin Laden. Therefore, in his own words, Smadi hid his true self. But when Smadi was in company who he believed shared his love of jihad and Bin Laden, as well as destroying America, he frequently expressed these beliefs.

A. Smadi talked about his desire to strike America and his admiration and love for Usama Bin Laden.

When Smadi was writing to Rafiq or talking with Hussein, he felt safe to express his true feelings; Smadi expressed love for jihad and love for Bin Laden. Smadi believed he was communicating with others who shared his beliefs so he mentioned them often and openly. The following are quotes from Smadi, expressing his opinions and intentions.

- I just want to be with the resistance that is with Shaykh Usamah, may Allah prolong his life and make him victorious. GEX 1, p. 3.
- My blood is on fire for the jihad if only I can meet with the beloved Shaykh

U S A M A H. GEX 1, p. 3.

- Note that I am not from among those religious extremists however the faith I have in my heart for the jihad for His sake until death and our meeting in paradise. GEX 1, p. 3.
- O' Usama I sacrifice the soul and the blood for you....and with Allah's permission, I will meet you..... GEX 2, p. 11.
- I am currently in America and able to strike their interests... we will strike them on their heads and humiliate them. GEX 2, p. 11.
- I just want to be with the resistance that is with Shaykh Usamah. GEX 3, p. 2.
- Liberate Palestine O' Lord of the universe help us to perform the jihad. GEX 12, p. 2.
- I will not retract the jihad. GEX 12, p. 3.
- I want you to understand me and be in the same rank that I am with - Do you love Shaykh U S A M A H? If you do or don't I will not object and I have no problems but do you think that one day I will be able to join his forces and at the end be from among the helping hands? GEX 12, p. 3.
- And this is my only wish... I would... run towards the approval of the Lord of the universe and my Shaykh on the footsteps of the Beloved Allah's peace and prayers be upon him and those of Salah-al-Din Al-Ayyubi Allah willing. GEX 12, p. 3.
- You can't imagine the joy that fills my heart to be one of the soldiers of Allah the Almighty in the ranks of the Shaykh the lion of Islam Usamah may Allah prolong his life and grant him success in every endeavor he and those who are with him and you and I Allah willing. GEX 22, p. 2.
- I hope that we will meet soon and that I join the ranks of the mujahidin on the way to paradise of bliss. GEX 26, p. 2.
- When Allah willing I join the mujahidin.... GEX 26, p. 2.
- I will have no objection to anything we undertake against the apostates... in my heart there will be no fear of anything in life except that we teach them a lesson to be remembered throughout history. GEX 26, p. 2.

- My beloved Usamah... until now I don't believe that I have been successful in finding the army of truth Usamah's army because by Allah if my soul is to be sacrificed for the sake of the mujahidin then let it be. My brother I want another request which is if I can join the ranks of those who fight with Usamah for by Allah I love him and want to be with him and execute his orders. GEX 34, p. 3.
- I hope that you understand what I mean Allah willing and if you are in contact with Usamah relay to him a message
That a person has come who will make him victorious Allah willing and will make the ranks of the mujahidin as brothers of the same womb and we will repel the apostate infidels first in the lands of the Muslims and in their own homes and children as they are doing with the Islamic nation and he who laughs first will cry in the end and those Romans the dogs will get a lesson they will never forget to hell and the worst of fate the age of the Caliphate shall return Allah willing we are blessed by Almighty Allah. GEX 34, p. 3.
- Truly the jihad is a duty on every Muslim. GEX 58, p. 3.
- So Hell and evil refuge are for the Apostates and the Hypocrites and the Jews and the Christians and all who opposed the Muslims. GEX 58, p. 3.
- I truly love the jihad and the martyrdom for His sake. GEX 58, p. 3.
- I love to be with my brothers in the religion I fight hand in hand with them. GEX 58, p. 3.
- I pray for my brothers the Mujahidin. GEX 58, p. 3.
- So my intention is the jihad. GEX 58, p. 3.
- [referencing his jihad, he said] And my mother [UI] in Allah's mercy for she truly will be rejoicing. GEX 58, p. 3.
- I truly say it truthfully truly that my dream now is to be of the soldiers of Allah firstly for the support of the Islam and my beloved the Sheikh Usama may Allah prolong in his life I do not know what is in me and but **I love him as I love my father** and I do not want to add to this. GEX 62, p. 2.
- So their silence and their fight against the Sheikh means that they are apostates with the enemy in a world scheme which is the destruction of the Islam and the Muslims and the extortion of their lands for the benefit of the Jews and the love of unbelief. GEX 62, p. 2.

- I am truly ready by Allah for the jihadi life. GEX 62, p. 3.
- Victory is coming...for the defeat of the Romans and the destruction of the Jews...we will surely attack them in their very own homes...we will surely strike them with painful attacks an attack that shakes the world...let the apostates know that the moment of their destruction has come.... GEX 66, p. 2.
- My brother in Allah I want from you a promise that you deliver my greeting in person to my Commander Usama and tell him that I saw him in my dream.... GEX 66, p. 4.
- I will surely support Usama, And Aba Mus'ab al-Zarqawi, And al-Rantisi, And all who performed jihad in this world.... GEX 70, p. 3.
- My way as I said in the beginning is truly with you to the paradise on the path of the righteous ones so my brothers how dear to me that I perform jihad with you in the same rank in the same field with the same enemy. For I indeed chose to be a Mujahid in my soul and my blood and my spirit and my body.... GEX 70, p. 3.
- O Lord...defeat the Christians and the Jews who are fighting Islam and the Muslims
O Lord defeat them and shake them. GEX 76, p. 2.
- So I am happy and delighted I already obtained my intent that I ask for it from Allah be He exalted and already He facilitated that for me. GEX 76, p. 3.
- I hope that you transfer the news to the beloved Sheikh Usama Bin Laden for enlisting me In the own country of the enemy and Allah willing I long a longing for meeting him. GEX 76, p. 3.
- We will surely make the horror in their hearts as our forefathers did to their forefathers the Romans and the apostates. GEX 109, p. 2.
- There is a good idea that already occurred in my head it will be of the strongest strikes Allah willing it will hit the domestic and world economy of their partners I will [UI] about it with my brother al-Hussein may Allah bless him and there is much coming and then the moment of my allegiance will come to the commander Usama may Allah facilitate for him comfort in His paradises. GEX 109, p. 2.
- I truly assure you Allah willing that we execute a successful operation... we will draw a smile on their faces in their prisons in Guantanamo.... GEX 130, p. 2.

- Truly the last moments of this world started to appear O my beloved brother woe to our nation and our tyrant government we will change the world and agitate the people and we will draw one line one army under the banner there is no god but Allah Muhammad is Allah's Messenger under the name of the global Islamic organization of Al-Qa'ida under the command of the [UI] commander Usama bin Laden may Allah bless his life and his wealth and his lineage. GEX 130, p. 3.

- I always looked for, I mean that my goal since I left Jordan, I, like you say, I am fascinated with Sheikh Usama.... My life's goal now is to meet him and join his army. GEX 206, p 56.

- I prayed that I come to America, and if Allah facilitates it for me that I join the Mujahidin... who struck it, Usama's group, er, er, I mean. Because I feel that Usama's group and everyone around them are a righteous group.... GEX 214, p. 19.

- I found something good, something which the Shaykh had said, my beloved one. The one which says, er... [UI], the meaning is, "I will make you kneel down on the knees, and will let you taste what Hamza Ibn-'Abd-al-Muttalib tasted." When the Shaykh hears it, he will be very happy. GEX 240, p. 101.

Finally, when Smadi reported to Rafiq about his arrest on September 11, Smadi commented on the reminder it provided him when he saw the numbers 9/11 on his clock. He said that "it is a reminder from Allah be He exalted and it increases in me nothing but power and steadfastness and endorsement for what I am in and also my arrest was done on the same date, already I remembered that it was the day in which the blessed attack took place." GEX 156, p. 2. Smadi honored the devastation of the Twin Towers falling and the horror and death that occurred as a result. Smadi is a terrorist.

Smadi wrote a letter to Bin Laden that he wanted Rafiq to deliver. Smadi was very excited about this. The letter to Bin Laden is part of GEX 147, p. 3-4. Smadi told Bin Laden that "DALLAS is the name of the city And we should start an insurrection among

them this time." GEX 147, p. 3. Smadi then went on to say that "these consequences leading to the ending of the most powerful nation in history." *Id.*, p. 4. Just to be sure that this message was written by Smadi, at the conclusion he signed with his birth date: "al-Ayyubi, The Birth 6-5-1990." *Id.*

Smadi was also given the opportunity to send a videotaped message to Bin Laden. On July 21, 2009, Hussein gave Smadi the opportunity to compose his message. Smadi wrote this message by himself. Hussein provided no help. A couple false starts occurred, as Smadi mis-spoke and wanted to restart the videotaping. Then, Smadi had computer difficulties and seemingly lost the message he had written. Smadi returned home and spent about an hour alone, rewriting his message to Bin Laden. Smadi then successfully recorded a message that he believed his hero, Bin Laden, would watch. The video is approximately seven minutes long. The text and a DVD containing the video recording are attached behind Tab 5.

Smadi loves Usama Bin Laden. Smadi loves what Bin Laden loves, that is the destruction of the United States and fear in the hearts of her citizens. Therefore, Smadi loves terrorism. There is no inconsistency in Smadi's expression of these feelings. Now that he wants out of jail, Smadi denies these feelings. Based on what the facts show of Smadi, it is logical to conclude that he wants out of jail so that he can join Bin Laden and perform further attacks on America.

While he was caught in a sting operation, Smadi was not tricked into expressing his true feelings. There are too many statements by Smadi himself, un-encouraged and

un-invited by agents, to claim that Smadi was tricked into speaking them. Now, Smadi hides his true self in hopes that it results in a soft sentence. Smadi's expressed love of jihad and Bin Laden represent Smadi's true self.

B. Smadi hid his true self from others, only sharing his real desires with his jihadi brothers.

Smadi wore two faces, as he would say. He had sincere desires to destroy the United States and other non-believing apostates. But he hid these desires from his friends and co-workers, who saw another face. Smadi spoke frequently about his ability to hide his jihadi life, to disguise himself, and to blend in despite his true motivations. Smadi now tries to re-shape the events to mitigate his responsibility and gain sympathy for himself. But in Smadi's own words, "no one knows what is in my soul of jihad" GEX 58, p. 4. Smadi's actions confirm which face is real.

His actions combined with his intentions paint a clear picture of the true Hosam Smadi. The following are statements by Smadi wherein he spoke about his secret desires and his ability to disguise his true self.

- Allah willing it will be a secret until the appointed time of the strikes because I do not want to expose my family to the danger also or my father or brothers because they have no connection in this matter. GEX 66, p. 3-4.
- And I promise you my brother that I will be from the distinguished among your ranks For the disguise is of my good qualities and it will be a disguise for entering and destroying the heart of the enemy and paralyzing its members. GEX 105, p. 2.
- My young age will surprise them in the future. GEX 109, p. 2.
- Patience is one of my characteristics. Disguising is a quality that I am endowed. GEX 109, p. 2.

- I am not afraid so I prefer to be disguised in their midst using their way better than hiding from them. Illusion is better than hiding. GEX 125, p. 3.
- I decided to stay in the country, after the operation as a disguised agent, a normal life until my affairs get going and I visit my family. GEX 132, p. 2.
- UCE: Look, you work everyday, of course?
SUB: Correct.
UCE: And you deal with people, and you say you deal with officers, and everything.
SUB: Correct, yeah.
UCE: That...you... Correct, correct, I mean this is--
SUB: I, like you say, what I have inside of me--
UCE: Inside of you.
SUB: --is concealed.
UCE: Exactly.
SUB: And my outside appearance to people makes them think, I mean, that...*Sam is...the best in this country*, I mean this, *where I live*, you know? I mean they even do not know-- GEX 206, p. 73.
- The cop that I told you about, er, er, he entrusted in me to the point... He does not know who I really am. GEX 206, p. 74.
- I am just like regular citizen... They do not know anything about me. GEX 206, p. 76.
- I mean, you are the only person in front of whom I talked, but when I am outside, I am another man. I am different hundred percent. GEX 206, p. 80.
- Because he [Smadi's father] tried, I mean, like you say, er, he told me, "Well, you, how, I mean, how, I mean, what made you be like this? What made you think? What, I mean..." He was puzzled, you know? He never, er.... So I told him, "I am, I mean, I did not tell you what is inside of me, I mean, it is inside me, I can not explain it to you?" GEX 214, p. 34.
- Disguise...this is my thing, I mean. GEX 214, p. 26.
- I am able to let the other party who is talking to me, that I let him, that I know how to disguise myself to him, I mean, thank Allah, I mean that I can pretend to be an American while I am among Americans. I can pretend to be a Black while I am among Blacks. I can pretend, while I am among Mexicans--to be a Mexican. You know? GEX 214, p. 37.
- I mean that I blend in any type of community. GEX 214, p. 189.
- Look, I want to tell you about an idea that I wanted to do a long time ago. I vol- I tried to volunteer with the American Army before.... I tried to volunteer; I told them that I want papers, I claimed that the *reason* is that I wanted papers, and that I wanted to volunteer and that I love the American Army, and I like to be in the army and so forth.... What happened, my dear sir, is that they did not accept me because I am not a citizen, but I went and tried--tried to volunteer, join the army, and, tell them, for instance, "Send me to Iraq..." and I will attack them there. But that what, that I take--take a key position--... --explosives, and such and such. I wanted to join the Air Force. At the Air Force, the p- planes are always armed....-- which means if someone took off with the jet, he will bombard them with their own jet and it will be the best attack against them. It will be, I mean, the whole world will talk [UI] it. GEX 222, p. 31.
- I will change my appearance, to make my appearance...so that he does not recognize me... I will wear ear rings, a hat, and work on my appearance, and I will, I mean be one of them.... GEX 222, p. 35.
- I changed my whole life by this--like you say, two faces, thank Allah, I mean, the actual face is hidden, I mean it does not have any kind of trace at all; and the other face, I mean is just an appearance for the people I work with and I am around. GEX 222, p. 48.
- The Americans, I mean, look, how long have I lived in America? I have never seen anybody more stupid than the American people. GEX 222, p. 55.
- --but if you went to normal locations for example, and someone needed your name for example and an *ID*, with your picture on a different name... I mean I can get the *ID*'s. GEX 222, p. 65.
- I will be with my friends. I will be happy about the operation in my heart and they will not know anything. GEX 240, 145.
- I will use the disguise technique before entering for the operation by altering the personal appearance. GEX 136, p. 2.
- I was thinking another idea that in the event, for instance, they raided my house, for instance, let us say, because I am an Arab... Merely that, I can... I thought of a plan, they are always--of course, you are my paternal or maternal cousin, or we will, we will set up a story... that you are coming to me.... Just a precaution... for

instance they searched the house, and they did not find anything.... You are coming to visit me, and you are my paternal cousin, and we are staying together and ... happy. GEX 258, p. 49.

[On the day of the bombing, Smadi said:] At 2:30, I will go to work as if nothing had happened and as if I do not know of anything. GEX 274, p. 6.

Smadi admitted that he hid and disguised his true self. His true desires are now crystal clear because he actually followed through with his plan. Again, Smadi's actions confirmed which face is real. It is what you do - not what you say.

C. Actions speak louder than words: Smadi took every step necessary to follow through on his stated intentions to strike the United States.

Smadi took actions on his intentions that he so consistently talked about - his desire to strike America and his desire to join Bin Laden. Smadi's actions have cemented his radical plans as real and legitimate. His actions have made it impossible to conclude that he is merely a misunderstood young man.

On September 24, 2009, Smadi drove from his new residence to meet Hussein at the predestined meeting place. Smadi arrived wearing a disguise that he had planned and purchased just for this event. Two nights before, Smadi went to Walmart and purchased a new shirt, tie, trousers, shoes, and a cowboy hat just for this event.

To complete the disguise, Smadi wore a lanyard or badge holder around his neck, as many corporate or government employees wear for security purposes every day at work. Inside this badge holder, Smadi placed an ID so that he would not draw attention to himself, appearing as if he was also an employee of this or a nearby building.

Smadi then went with Hussein to see the vehicle borne improvised explosive device. This weapon of mass destruction is what Smadi had requested. Smadi and

Hussein looked at the bomb together. Anyone seeing this bomb would have no doubt that if detonated, it would cause significant damage to property and people.⁹ Seeing this weapon of mass destruction did not deter Smadi. This was his goal.

Smadi then continued to press forward, and eventually parked this truck bomb underneath the 60-story office building. Smadi turned on the cell phone attached to the truck console, turned the timer switch past the two hour mark, and flipped the power switch to activate the device. These multiple actions showed Smadi's interest in completing his goal. If Smadi had only been pretending during the entire nine month period, or if Smadi was looking for an exit, then he could have only pretended to activate the bomb. He could have failed to complete any one of these actions required to activate the bomb. He could have left the truck doors unlocked. He could have left the truck keys in the door lock to be found by a passer-by. He could have dropped the keys on the ground next to the truck to be seen by the security guard. He could have called 911 and directed them to the parking garage. He could have done any number of things to avoid activating the bomb. Smadi's actions conclusively proved his intent. On his own, Smadi delivered, activated, and dialed to remotely detonate a huge bomb.

To add further evidence to Smadi's intentions, he took many actions leading up to his delivery and activation of the bomb. Smadi made preparations by conducting his own physical surveillance and doing his own research. Smadi went through a process before the final operational decisions were made. He would talk about ideas and then research

⁹ See Tab 4 for pictures of the weapon of mass destruction.

them, either on the internet or in person. Smadi would then do more talking and more research. Each time, he made decisions that refined his ideas. Agents asked him what his plans were and Smadi would tell them. Before Smadi concluded he needed a truck bomb, he considered a smaller bomb that he could carry into the building. But Smadi rejected the small bomb in favor of a bigger blast.

Once Smadi selected the Fountain Place building, he began figuring out where to place the bomb. Upon one physical surveillance trip to the building, Smadi found a bathroom under the building. Smadi went into the bathroom, stood on the toilet seat, lifted a ceiling tile, and determined that a bomb could be hidden inside the ceiling. Smadi concluded that "there is a good place over there to plant a bomb... I can plant it there and then leave." GEX 240, p. 41. However Smadi did have concerns about it, because, as he said, "I want to be sure that the center of the bathroom is *exactly* under the building... in order to bring it down." *Id.*, p. 42. Smadi decided that "we must do some research about it too, in order to be sure." *Id.* Because Smadi wanted to bring the building down, he eventually abandoned the bathroom bomb idea for the truck bomb.

After Smadi embraced the truck bomb plan, he considered another skyscraper downtown as well. Smadi did research to help him decide upon the appropriate target. On August 2, 2009, Smadi sent some of his research to Rafiq. See GEX 138, p. 2. It is obvious which option Smadi wanted, that was Fountain Place. Smadi's research found that it was "an international commercial center its cost is 22 million dollars and it is one

of the international centers it contains five banks and hotels and restaurants and many of the commercial offices." *Id.*

On August 12, 2009, Smadi sent an email to Rafiq which contained additional research on the target building. This email contained pictures and comments from Smadi, and is included behind Tab 6. GEX 139.

These examples of Smadi's research and surveillance add weight to the ideas he was expressing. Smadi must have believed in his stated plans to bomb the building. On August 28, 2009 and on his own, Smadi drove from Italy, Texas to downtown Dallas to survey the building. See GEX 311-315. If he did not intend to move forward with his bomb plot, he could have lied about the surveillance or created a story about why he could not complete the planning. Smadi's actions prove his stated intent was real.

D. Before the completion of this mission, Smadi was already discussing future missions.

If blowing up one 60-story office building was not enough, Smadi had plans to perform more attacks after this one. He was not planning on stopping with one strike. He repeatedly talked about doing additional missions.

On June 24, 2009, Smadi told Hussein that "after the success of the first operation, this will be the second operation in another place." GEX 222, p. 37. Smadi also expressed this desire to Rafiq; on July 16, 2009, he said, "may Allah be at our aid after this operation onto bigger operations Allah willing." GEX 130, p. 3. By Smadi's own words, he wanted to devastate something bigger than a 60-story skyscraper filled with people on every floor.

Smadi reiterated his desire to do more and bigger strikes. On July 21, 2009, Smadi told Hussein, "may Allah help us, after this operation, with bigger operations, Allah willing." GEX 240, p. 61. Smadi reinforced this idea with Hussein a third time when he said, "Allah willing, after the success, we will go to other places, why not?... Other operations. Like they say, 'an eye for an eye and a tooth for a tooth.'" GEX 240, p. 132.

Smadi was aggressive in his plans to lay waste to the United States. At one point, Smadi proposed to Hussein the idea of hitting two targets in one day; timing the bombs so that one would explode, followed by another a few minutes later. He discussed how this would create further havoc by impairing the ability of emergency response personnel to address both locations. Smadi said, "it will be two operations...they will be devastated over there, then they will be devastated over there, after the second explosion—or they will be devastated over here, then they will be devastated over there...I mean there will be *10 to 15 minutes* difference between them." GEX 222, p. 69. Smadi is dangerous because he wants to do additional, bigger operations and he has proven his willingness to push the button.

E. Smadi decided who was worthy of death and who was innocent.

Smadi frequently talked about killing apostates, those who were non-believers or who fought against Islam. At the same time, he sometimes mentioned his desire not to harm children. However, he put conditions on who qualified for mercy and made himself the decision-maker. He also often qualified his statements. For example, on February 8, 2009, Smadi told Al-Karkhi that "I will not target any civilian or child or an older person who has had no hand in the aggression unless necessity makes it inevitable and success is

from Allah the Almighty!!!!!!!!!!!!!!!!!!!!" GEX 18, p. 3. Within this one statement, Smadi gives himself two exceptions: 1) if a targeted person had a hand in the aggression, then they can die, and 2) if necessity requires that person to die, then that is also acceptable. It reads that if innocent people must die to ensure the success of the operation, then so be it - they are collateral damage. Smadi seemed to be reluctant to harm children, while at the same time prioritizing mission success over their innocent lives.

Then on March 13, 2009, Smadi responded to a request from Rafiq. Rafiq asked Smadi to "Offer a promise to yourself and to me and testify before Allah that you will try with all your power not to kill or harm your Muslim brothers." GEX 56, p. 2. In response Smadi said:

And that is I do not kill not only the Muslims but also and the peaceful soul which I understand [UI] the women the children and up in age as our beloved and Prophet Muhammad used to do in the many battles Of course for those who did not participate in killing my brothers of the Muslims however if they had a hand in that so I truly by Allah I will certainly kill them and I will certainly cut their hands all the way to the necks. GEX 58, p. 2-3.

Smadi then proceeded to express his anger that the "lands have been watered" by the blood of his Muslim brothers in Palestine and Iraq and Afghanistan, and that "truly the jihad is a duty on every Muslim." *Id.*, p. 3. Again, Smadi made himself the one to decide whether someone had a hand in it, whether they were innocent or guilty and therefore worthy of death. And if Smadi determined someone worthy of death, then he described a graphic death, by "cut[ting] their hands all the way to the necks."

In this same message, Smadi also included a quote or Qur'an scripture that said, "...and do not kill the soul which Allah has forbidden except for the requirement of justice..." *Id.* Again, Smadi allowed himself the role of deciding whether justice required someone to die.

As previously mentioned, for a time Smadi considered attacking two buildings with bombs exploding minutes apart. In August, Smadi sent a message to Rafiq, expressing his reluctance to attack one of the skyscrapers, because he "discovered that it has in it the families and some of the children." GEX 136, p. 3. Therefore, Smadi selected the other building, Fountain Place. Smadi perhaps forgot that when he walked around Fountain Place previously, he had seen children. Or more likely, Smadi prioritized mission success over the lives of innocent children. Again, Smadi chose who was expendable and under what circumstances.

On August 26, 2009, Smadi met with Hussein and they discussed the upcoming operation. Smadi was pleased that "nobody would suspect us." GEX 258, p. 47. Then Hussein asked Smadi how many people he thought would be present in the building. Hussein was obviously asking about Smadi's understanding of potential casualties. Smadi responded that "I will specify, er, a day" because "they hold parties every weekend..." *Id.* Smadi continued: "But I do not want...it to have—it might have a lot of families...because of children... You know? Because it is the parties day. So I said that it would be a regular day, all *business*, regular people." *Id.*, p. 48. While Smadi made a decision to protect children, he simultaneously decided to sacrifice the "regular people."

He was willing to kill all of the people who worked in that building during the weekdays, people who had families, and people who had children, and people who worked to support those children. Again, Smadi made himself omnipotent, believing himself worthy of deciding who was innocent and who should die.

So before buying the defendant's blanket arguments that Smadi did not want to kill "innocents," one must read Smadi's statements in context, with the caveats and exceptions Smadi provided himself. And one must seriously consider the hundreds and thousands of people Smadi was willing to kill.

V. Government agents acted appropriately in their undercover roles as terrorists; Smadi obviously knew the risk that they were Intelligence, considered it, and pressed forward anyway.

The sworn duty of law enforcement is to protect its citizens, community, and country. It is particularly difficult in a terrorism case, because the line that agents must walk is so thin. Essentially, agents are between a rock and a hard place. Terrorism is a different crime in many ways, as agents have to determine the true state of mind of an individual - whether he has a true desire and willingness to act to murder and or maim tens, hundreds, or even thousands of victims. If an agent underplays his role as a violent jihadist, a determined terrorist may well walk away sensing a trap. If, on the other hand, as the defendant argues here, undercover agents more accurately play their role, as a soldier of the mujahidin, then agents could (again with the same devastating results) lose that terrorist if acquitted by a judge or jury for being entrapped. It is a fine line, and a misstep could be devastating.

By way of analogy, agents do not walk into undercover drug buys trying to deter the drug seller to change his wicked ways. That is dangerous to human life, perhaps even the agent's. The defendant in this case claims the government agents should have done just that. It is not the job of agents to counsel individuals inclined toward violence, as the defendant now suggests agents should have done for him.

In this case, agents worked hard to play their roles as terrorists, while still providing opportunities for Smadi to walk away. The undercover agents here were not as aggressive or bombastic as real terrorists, yet they played their roles in a way that covered both concerns. They not only acted within the law, but also within common sense. Agents also had to maintain their roles as terrorists, while still trying to determine who Smadi was, where he lived, and what his true intentions were. The defendant here focuses only on government behavior, presumably to shift the court's focus away from Smadi's bad conduct which is plentiful.

The truth is that Smadi assumed the risk that he might be dealing with undercover agents, or Intelligence as he referred to them. Smadi knew this was a risk before ever posting his first advertisement for help. See GEX 2, p. 6. Smadi mentioned in his first response to Al-Karkhi that if Al-Karkhi was Intelligence, may he go to hell. GEX 7, p.2. Smadi knew of this risk; he weighed it and obviously assumed it. He cannot now complain that he was caught.

There are more instances where Smadi expressed his awareness of government agents and his concern about being caught. On February 8, 2009, Smadi asked Al-Karkhi

directly, "How can I know that you don't work with intelligence?" GEX 18, p.2. Al-Karkhi responds with the same question to Smadi and the matter was dropped. GEX 20, p.2.

Then when Smadi began corresponding with Rafiq, Smadi asked Rafiq if he was Intelligence. GEX 58, p. 4. A week later on March 19, Smadi said to Rafiq that "I hope you are not Intelligence or anything because I am Muslim like any Muslim my intention is the defense of my religion and no one can overcome the power of Allah." GEX 62, p. 3. Finally, Rafiq responded to Smadi and said: "if we were intelligence we would have asked you about your true name long ago and we would have attempted to know your address..." GEX 64, p.3. Rafiq did not directly answer the question and Smadi accepted the response because he wanted to believe he had found and joined the soldiers of Bin Laden.

Smadi admitted to Hussein that he "can't recognize" intelligence agents. GEX 206, p. 6. Smadi also admitted to Hussein that before meeting him, Smadi thought Hussein might be "from the Intelligence or something." GEX 222, p. 93. Smadi was definitely aware that intelligence or undercover agents would be interested in someone with terrorist ideas and plans.

On April 11, Rafiq provided a warning to Smadi to be law-abiding so that "you do not have a file at the enemy intelligence." GEX 72, p. 4. Despite the warning, Smadi broke the law and was arrested on September 11, 2009. When Smadi told Rafiq about being in jail, he said: "I believe that office of the FBI already contacted the prison to

confirm my identity..." GHX 156, p. 1. Despite this explicit belief that the FBI was asking about him, Smadi continued with his plans and attempted to bomb a public building.

Agents, so that they were not perceived by Smadi as "intelligence," praised Smadi for his jihadi decisions. Agents also praised Smadi for other things as well. They appropriately acted in their roles as Mujahidin. To not comment positively would have been suspicious. Praise by agents was essential in acting out their roles and providing Smadi with the opportunity to carry out his plan. If Agents discouraged him when he made decisions, Smadi may have begun to lean on agents instead of making his own decisions. This is a sensitivity agents must address in playing their role. Had they not acted their part properly, Smadi would have continued searching for other terrorists to help him.

VI. Smadi suffers from an adjustment disorder, not from schizophrenia.

Smadi suffers from an adjustment disorder with mixed anxiety and depression that is largely related to his current circumstances of being incarcerated, away from his family and social network, and the potential for a very long sentence based on his plea of criminal actions. Smadi does *not* suffer from a serious or persistent major mental illness. More specifically, Smadi does not suffer from chronic undifferentiated schizophrenia, major depressive disorder, or generalized anxiety disorder. This diagnosis was concluded by Dr. Raymond Patterson, M.D. Dr. Patterson's full report is included under Tab 7. Only a very few points about his report will be addressed here while his report as a whole deserves attention.

Dr. Patterson conducted an independent forensic psychiatric evaluation of Smadi. In addition to meeting with Smadi on four separate occasions, Dr. Patterson reviewed a substantial amount of materials submitted by the government, including the transcripts identified on the United States' Sentencing Exhibit List. Dr. Patterson also reviewed materials provided to the U.S. Attorney's Office and the U.S. Probation Office by Smadi's defense team in mitigation of Smadi's sentence. A full listing of the materials Dr. Patterson reviewed is listed at the beginning of his report. Dr. Patterson has a very distinguished background and career; his Curriculum Vitae is included under Tab 8.

In coming to these conclusions, Dr. Patterson also relied on medical and mental health records from the Bureau of Prisons. While the defendant has included some of them in his materials, all of the records are relevant to a correct diagnosis. Therefore, Smadi's medical records while at the Seagoyle Federal Corrections Institute are included under Tab 9.

A non-psychiatrist at Seagoyle-FCI diagnosed Smadi with schizophrenia, based entirely on Smadi's self-report. It is also significant that this diagnosis was not made until 6 months after Smadi had been incarcerated.

Dr. Patterson also diagnoses Smadi with malingering because, in his opinion, Smadi's report of hearing voices is not consistent with Dr. Patterson's experience in examining individuals who have legitimate psychotic symptoms. Further, Smadi's report of these symptoms has no relationship to the commission of the offense to which he pled guilty. According to Dr. Patterson, Smadi's representation of psychotic symptoms is a

malingered attempt to convince both treatment staff and retained experts that he is psychotic and that hearing voices and seeing visions had something to do with the commission of his offense.

Significantly, while Smadi has some mental health issues, none of them affected his ability to make knowing and voluntary decisions when communicating with undercover agents, up to and including his driving a truck and attempting to detonate the bomb on September 24, 2009. Furthermore, there are no mental health factors that are mitigating with regard to Smadi's sentencing.

VII. The government acted appropriately with the information known to the FBI.

The defendant claims that the government should have seen Smadi's mental illness and been more sensitive to the danger of entrapping him. First, there was no mental illness to perceive. Second, one can watch the videos of the meetings between Smadi and Hussein and tell clearly that Smadi is in control of himself, he knows exactly what he's doing and takes an active role in the situation. There was nothing passive about him during these meetings. Third, Smadi could not be entrapped when he was predisposed to commit the crime, as discussed previously in Section II.

For a brief time during the investigation of Smadi, FBI case agents consulted with a FBI Behaviorist, Thomas Neer. Neer reviewed portions of one face-to-face meeting Smadi had with Hussein, the first meeting when agents had just met Smadi. Neer may have reviewed part of a second meeting - he cannot specifically recall. Of course, the videoed meetings capture the parties speaking in Arabic and Agent Neer does not speak Arabic. There was a person providing real-time translations so Neer had the gist of what

was being said. This review was done by Neer in his office, without case agents being present. Neer also gathered background information from speaking with FBI Supervisor Tom Petrowski. Based on this information, as well as the limited viewing of a meeting, Neer gave some preliminary opinions and posed some questions to Agent Petrowski.

Upon reviewing Neer's notes about Smadi, the U.S. Attorney's Office determined this was exculpatory information and provided Neer's notes to the defendant's attorneys. The U.S. Attorney's Office also set-up a video-teleconference (VTC) meeting so that Smadi's lawyers could interview Neer about any exculpatory matters they wished. This VTC was held and Richard Anderson questioned Mr. Neer as long as he wished, with the interview lasting approximately an hour.

First of all, this is not Neer's area of expertise. Neer's duties are primarily to evaluate crime scenes after-the-fact and do not normally address the mental status of a defendant. Neer has no formal training in psychology or psychiatry, and no special training in mental health issues or illness. This was not a formal request. Neer was asked to do an informal review of the video recorded of the first in-person meeting and offer his thoughts, for what that might be worth. At the time, Neer had little information about Smadi's background, history, or family to put into context what he observed.

A few people watched the video with Neer. There were as varied opinions as there were people present. All opinions were shared with defense counsel. In Neer's notes, it is obvious that he asks more questions than he offers opinions. Neer mainly raises issues

for agents to think about. Neer himself said "that it is too soon to tell" much about Smadi, the investigation is unfolding, and more information is needed.

The defendant applauds Neer's "diagnosis" that Smadi was vulnerable, while at the same time criticizing agents for considering his suggestion to let Smadi lead more and make more decisions. As a side note, when interviewed by the defendant's attorney, Neer conceded that he did not know then what he knows now, and he conceded the preceding articulated points.

In addressing this information, the defendant tells only part of what one person said and twists it to aid their arguments. The information omitted is just as important - that Smadi was potentially dangerous and should be watched closely.

VIII. Smadi plays upon sympathy to excuse his behavior and mitigate his responsibility.

- A. **Smadi inconsistently claims that his father will provide a loving home for him. This should be viewed in the context that Smadi's father knew of his jihad plans and did nothing to stop him or alert officials.**

The defendant claims ^{was never} mentioned to friends or undercover agents. In fact, all reports from Smadi's U.S. friends that the government has been able to interview, as well as undercover agents, indicate his father was good to him and that they enjoyed a good relationship. It is also reported that his father regularly visited and that such visits were highly anticipated by Smadi. Smadi's father also provided financial help to his son from time to time. Significantly, Smadi's father was the only person with whom Smadi chose to discuss his jihadi path.

Now that Smadi has been arrested for attempted use of a weapon of mass destruction, ^{Notably, no} one has diagnosed Smadi with any mental illness

In complete contradiction, the defendant now also claims that his father will provide a loving home for Smadi when he returns home to Jordan. Smadi argues both sides of this situation - picking the one that serves his needs at the moment.

Like father like son, his father's actions speak louder than his words. All indications are that Smadi's father approved of his son's jihad path, or at the least failed to do anything to deter Smadi or to warn law enforcement.

On January 28, 2009, Smadi said that he "think[s] that it will not be a problem when he [his father] finds out one of these days that I was one of the mujahidin." GEX 12, p. 2. After Smadi's father visits him, Smadi told Rafiq that his father was concerned for his son's safety and that the "worry was already confusing him," but that Smadi told his father that "it is my wish in the jihad." GEX 93, p. 2. Smadi also tells Hussein that his father was "a little upset" when he talked with him. GEX 214, p. 6.

Most significant is Smadi's statement that his father "will never talk about it another time." GEX 214, p. 14. Smadi knew his father well enough to know that when he told him of his plans for jihad, that his father would do nothing to stop him.

- B. **The death of Smadi's mother is not an excuse to bomb a building.**

From all reports, Smadi's mother died of brain cancer when Smadi was a teenager. While this is tragic and truly sad, it is not an acceptable excuse to bomb a building.

IX. The sentence in this case should be determined on its own merits.

The defendant has repeatedly argued that Smadi deserves a light sentence because of sentencing disparity issues. The defendant claims that a comparison of other sentences around the country and Europe support their request. The United States completely disagrees.

Each case must be evaluated on its own unique facts and circumstances. Terrorism cases are especially unique and complicated, in part because they routinely involve agencies and interests in the national intelligence community. These interests add yet another layer to the difficulty when one tries to compare terrorism investigations, cases, and sentences across the country. There are invariably situations where a terrorist earns leniency from prosecutors because he provides valuable national security information to the intelligence community. Accurate national security intelligence information can save countless lives in this country and abroad. This type of cooperation would never be communicated in the public court record. However, understanding the additional depth of involvement from federal agencies beyond the Department of Justice offers possible explanations when considering why a serious terrorist, such as John Walker Lindh, would be offered a 20 year sentence by prosecutors when he was facing Life if found guilty by a jury.

Most of the comparison cases put forth by the defendant include different charges from those contained in Smadi indictment. They do not address the different guideline calculations or the statutory maximums. Many of those cases involve people willing to support someone pushing the button on a bomb, while Smadi actually pushed that button

Further, no one has diagnosed Smadi with any mental illness as a result of his mother's death. And no set of facts have been provided that justify such extreme and outrageous behavior. Many people have survived the hardship of a parent's death without bombing a 60-story building, that surely contained many, many mothers.

C. Even young children know that blowing up a building with people in it is wrong.

Smadi also wants to hide behind his youth, using this as a reason to receive a lighter sentence. Smadi was 19 years old when he pushed the button. Smadi's father thought that Smadi was mature enough at the age of 16 to come to the United States and live on his own. His father thought Smadi was mature enough at the age of 17, that he sent his other son to the United States to live in Smadi's care. But again, when it inures to his benefit, Smadi claims he is too young to have known what he was doing. Even little children know that blowing up a building with people in it is wrong.

Smadi is an adult. At 19, Smadi had lived on his own for 3 years. At 19, he was old enough to live on his own, have a full-time job, vote, get married, join the military and fight in a war. At 18, Smadi can be charged with a federal criminal crime. And at 17, Smadi can be charged by the State of Texas as an adult, and even be subject to the death penalty. Smadi was old enough to make contracts and make other important decisions without parental approval. Smadi's own words were that his "young age will surprise them." GEX 109, p. 2.

Smadi's youth did not affect his decision-making abilities, as previously addressed in Section III.

himself. Other cases were merely aspirational, not operational. They involved people making plans, not executing or completing those plans like Smadi did. Again, the specific facts of this case cannot be cleanly compared to any other case. This case must stand on its own with Smadi's sentence determined on the these facts.

Because Smadi was conspiring with undercover agents, he has no cooperation to provide. He has no national security information of value. The fact that law enforcement did their job well should not inure to Smadi's benefit.

The government agreed to an 11(c)(1)(C) plea agreement in this case, in part, because it has interests it must protect. Merely looking at what Smadi said and did here signals that he deserves a life sentence. But, there are other lives at stake beyond Smadi's. Because this document is not a public document, the government candidly reports that exposing certain information from this case, at this particular time, would have compromised human lives. Considering these serious interests, the government was willing to agree to a cap of 360 months. The government takes seriously the damage a jury trial in this case, and the consequent revealed information, could have caused in June of 2010.

The government also seriously considered the mitigation materials provided by defendant's counsel. While the case comparisons were unpersuasive, Smadi's background was considered. As stated in the beginning, the 30 year cap was agreed to after considering the defense mitigation facts and arguments. The government asks the court not to give Smadi double credit for those items.

Conclusion

Hosam Smadi said so many truly horrible things and then confirmed their truthfulness by delivering, activating, and abandoning what he believed to be a powerful truck bomb, capable of destroying a beautiful downtown skyscraper containing hundreds and hundreds of innocent people. He has no legitimate excuses for this devastating behavior. Despite opportunities to choose a different life for himself, Smadi has chosen imprisonment. On behalf of the United States of America, her citizens, including those people who worked in Fountain Place building on September 24, 2009 and other victims, downtown Dallas workers who now fear their building may be targeted next, we ask the court to accept the plea agreement and sentence Hosam Smadi to 360 months imprisonment and a 5-year term of supervised release, recognizing that sentencing mitigation factors have already been considered through the Rule 11(c)(1)(C) plea agreement.

Respectfully Submitted,

JAMES T. JACKS
UNITED STATES ATTORNEY

/s/ Dayle Elieson
DAYLE ELIESON
Assistant United States Attorney
Texas Bar No. 00790639
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214.659.8600
Facsimile: 214.767.2846
dayle.elieson@usdoj.gov

Timeline of Events

United States v. Hosam Smadi

Date	Summary of Fact	GEX
Tue 06/05/1990	Hosam Smadi - Date of Birth	
07/22/2008	Smadi marries Rosalinda Duran	
Tue 01/08/2009 2:50 p.m.	Web Posting by Aba-al-Ayyubi (Smadi) I am in America. If I can be of benefit - however I need help I dreamed that I was fighting with the messenger... I want someone to show me my way my blood is on fire for the jihad please my brothers help me gives email: hussam.m@hotmail.com faith I have in my heart for the jihad	001
Mon 01/12/2009 12:58 a.m.	Web Posting by Aba-al-Ayyubi (Smadi) I am currently in America and I am able to strike their interests in their own home however I only need help with the tools as the targets are easy but there are no tools	002
Mon 01/12/2009 1:16 a.m.	Web Posting by Aba-al-Ayyubi (Smadi) I need help I just want to be with the resistance that is with Shaykh Usama	003
Wed 01/14/2009 6:15 a.m.	Web Posting by Aba-al-Ayyubi (Smadi) arise for jihad you have my e-mail and you know where I am... I would like to go on the path of paradise	004
Tue 01/22/2009	UCI Web Posting to Aba-al-Ayyubi (Smadi) I wanted to know if there was an opportunity for cooperation or for the exchange of opinions... I will not correspond with you again until you reply...	005
Mon 01/26/2009 12:54 a.m.	Aba-al-Ayyubi (Smadi) Web Posting to UCI you can correspond with me directly through my e-mail: hussam.m@hotmail.com if you are intelligence good luck in hell if you are mujahid God strengthen us...	007
Tue 01/27/2009 2:29 a.m.	amin.alkarkhi@googlemail.com (UCI) TO hussam.m@hotmail.com (Smadi) what I admired in your posting...striking them in their own home... if only two brothers have joined together and carefully selected their targets and succeeded in executing their operation, they will have achieved... what we need is specifying the target, choosing the means... I want to teach the accursed Americans a lesson they will not forget. If you liked what you read, felt my sincere intentions, let me know...	008

Date	Summary of Fact	GEX
Wed 01/28/2009 12:49 a.m.	hussam.m@hotmail.com (Smadi) to amin.alkarkhi@googlemail.com (UCI) if there is another place other than email...not as suspicious as email I would like you to walk me we will soak the ground with the blood of apostates and the Romans	009
Wed 01/28/2009	UCI google search of hussam.m@hotmail.com 5 results.2 Arabic 3 English...	010
	amin.alkarkhi@googlemail.com (UCI) to hussam.m@hotmail.com (Smadi) Asks a list of questions I am cautious to the extent that will ensure my safety and your safety that it does not paralyze us and make us two people... who are abstaining from jihad.	011
Wed 01/28/2009 6:53 p.m.	Two regular people exchanging ideas...we have rights in this country. Keep the relations exclusively between us... Basic questions that will clarify what we can cooperate in...answer the ones you are comfortable with. Together we will be able to overcome any potential obstacles.	
Wed 01/28/2009 9:39 p.m.	hussam.m@hotmail.com (Smadi) to amin.alkarkhi@googlemail.com (UCI) Answers list of questions Do you love Shaykh Usama?	012
Fri 01/30/2009 8:38 p.m.	amin.alkarkhi@googlemail.com (UCI) to hussam.m@hotmail.com (Smadi) How do I not love Usama? 1-alt means of communicating 2-exclusively between us 3-communication will take time	013
Mon 02/02/2009 10:02 p.m.	hussam.m@hotmail.com (Smadi) to amin.alkarkhi@googlemail.com (UCI) Thanks to Allah that I have found a person like you I will soon find a secure way for communication impressed by your answer about Usama and I am eager to meet you	014
Wed 02/04/2009 12:14 a.m.	jordan-pilot@hotmail.com (Smadi) to amin.alkarkhi@googlemail.com (UCI) Hosam Smadi gives new email address admits membership in extremist websites that promote armed jihad I completely trust you now I yearn like I never have before in my life I am ready to do anything to protect Islam internet world not safe to discuss such matters	015

Date	Summary of Fact	GEX
Wed 02/04/2009 11:45 p.m.	ghalib.bakir@gmail.com (UC1) to jordan-pilot@hotmail.com (Smadi) we will start communicating through these two new addresses more questions	016
Thu 02/05/2009 6:18 p.m.	ghalib.bakir@gmail.com (UC1) to jordan-pilot@hotmail.com (Smadi)	017
Sun 02/08/2009 4:00 p.m.	terryg760@gmail.com - Hosam Smadi to UC1 Thank you for this easy & secure way, I had not thought of it. If the orders from my Prince were to do it at a local level I will execute... ...I considered targeting locally, I will not target civilian, child, or older person who had no hand in the aggression unless necessity makes it inevitable....I will not benefit if I only read while my hands are empty. How can I know that you don't work with intelligence? Because I have doubts sometimes, but one should rely on Allah the Almighty and to consider the circumstances. Is there any way to assure my heart....	018
Mon 02/09/2009 12:21 a.m.	PING ghalib.bakir@gmail.com (UC1) to jordan-pilot@hotmail.com (Smadi)	019
Mon 02/09/2009 6:00 p.m.	terryg760@gmail.com - Amin Al-Karkhi (UC1's online name) to Aba-al-Ayyubi (Smadi) How do I know you are not cooperating with someone to frame me? how will it then be if we advance in our project without doing what is required? book attached. As for tools and experience...what we need is available... The distinguishing feature of the mujahidin is faith... discipline... precision in execution.	020
Wed 02/11/2009 1:44 a.m.	PING jordan-pilot@hotmail.com (Smadi) to ghalib.bakir@gmail.com (UC1)	021
Wed 02/11/2009 7:20 a.m.	terryg760@gmail.com - Aba-al-Ayyubi (Smadi) to Amin Al-Karkhi (UC1's online name) Thanks for the wise response-I will repay you the favor one day in battle. you can't imagine the joy that fills my heart to be of the soldiers of Allah in the ranks of Usama, may Allah bless him with long life and grant him success in every endeavor, he and those who are with him, and you and I. Recounts 3 dreams/visions ...I put myself in your hands... Recommends a code word ...I will have departed for jihad or the training camps before anything.	022
Wed 02/11/2009 6:42 p.m.	PING ghalib.bakir@gmail.com (UC1) to jordan-pilot@hotmail.com (Smadi)	023

Date	Summary of Fact	GEX
Wed 02/11/2009 6:34 p.m.	terryg760@gmail.com - ghalib.bakir@gmail.com (UC1) to Aba-al-Ayyubi (Smadi) my eyes filled with tears when I read the part about your fighting in the ranks...I was in touch with dear brothers...they advised me to contact you... and gradually advance in the project. they are now studying how they might benefit from what we can offer. You choose the code word - good suggestion each of us is in hands of the other, in same trench, I will never abandon you regardless of the test, this is my covenant before you.	024
Fri 02/13/2009	PING jordan-pilot@hotmail.com (Smadi) to ghalib.bakir@gmail.com (UC1)	025
Mon 02/16/2009	terryg760@gmail.com - Aba-al-Ayyubi (Smadi) to Amin Al-Karkhi (UC1's online name) Code word - black banners always delete cookies & temp files & history is it possible to see UBL what is Campaign of the Great Rendezvous? thanks for the book, Allah willing, I will read it all. I will have no objection to anything we undertake against the apostates there will be no fear of anything in life, except that we teach them a lesson to be remembered throughout history conquest or martyrdom (I succeed or I die) hopefully my meeting with you will be soon prayer be upon the martyrs & Al-Zarqawi	026
Fri 02/20/2009 4:03 p.m.	terryg760@gmail.com - Amin Al-Karkhi (UC1's online name) to Aba-al-Ayyubi (Smadi) UBL you will certainly have a meeting with him-means joining him and the ranks of brothers there. Campaign of the great Rendezvous - see online video Questions from brothers re: best way for cooperating all that I have received from you indicates that you are one of the lions of this nation	028
Fri 02/20/2009 4:10 p.m.	PING ghalib.bakir@gmail.com (UC1) to jordan-pilot@hotmail.com (Smadi)	027
Sun 02/22/2009	PING jordan-pilot@hotmail.com (Smadi) to ghalib.bakir@gmail.com (UC1)	029

Date	Summary of Fact	GEX
Sun 02/22/2009	terryg760@gmail.com - Aba-al-Ayyubi (Smadi) to Amin Al-Karkhi (UC1's online name) proficient in English I live off a regular job proficient in computers and electronics Do you think I will be traveling soon to who will be receiving me?	030
Wed 03/04/2009 11:01 a.m.	PING ghalib.bakir@gmail.com (UC1) to jordan-pilot@hotmail.com (Smadi)	031
Wed 03/04/2009 11:02 a.m.	terryg760@gmail.com - Amin Al-Karkhi (UC1's online name) to Aba-al-Ayyubi (Smadi) our confrontation with infidel enemy requires rely on Allah, be precise in our planning & execution, and be cautious as much as possible.... Remember-KSM planned 5 yrs for 9/11 brothers say advance in our work to next stage - another brother in charge of your care and supervision - he served with UBL & Abdullah Azzam this is the path we have chosen, we 100% certain that this is the straight path I will not abandon you the nature of our work requires that we divide the tasks among a number of brothers who are experienced and specialized	032
Fri 03/06/2009	PING jordan-pilot@hotmail.com (Smadi) to ghalib.bakir@gmail.com (UC1)	033
Sat 03/07/2009	terryg760@gmail.com - Aba-al-Ayyubi (Smadi) to Amin Al-Karkhi (UC1's online name) subject line: THE BLACK BANNERS Hosam Smadi writes a long prayer my beloved Usama My last word is that we meet, my brother and my teacher. ours are the intense-eyes maidens in the gardens of bliss I am waiting for your answer and hope we meet soon I am very happy about the next stage and I am eager to learn.... will we meet you are worthy of trust and risk until now, I don't believe that I have been successful in finding the army of truth Usama's army... because if my soul is to be sacrificed for the sake of the mujahidin, then let it be. I want another request which is if I can join the ranks of those who fight w/ Usama-I love him and want to be with him and to execute his orders.	034
Sun 03/08/2009 8:24 p.m.	PING ghalib.bakir@gmail.com (UC1) TO jordan-pilot@hotmail.com (Smadi)	035
Sun 03/08/2009	terryg760@gmail.com - Amin Al-Karkhi (UC1's online name) TO Aba-al-Ayyubi (Smadi)	036

Date	Summary of Fact	GEX
Sun 03/08/2009 9:04 p.m.	amman-pilot@hotmail.com TO Hussam.m@hotmail.com I heard the good news about you from brother Amin Al-Karkhi (UC1's online name) provides I3dad99@hotmail.com (UC2) -- I3dad99@hotmail.com address signed Rafiq	050
Mon 03/09/2009	terryg760@gmail.com - Amin Al-Karkhi (UC1's online name) TO Aba-al-Ayyubi (Smadi) Intro amman-pilot@hotmail.com to use shared folder with UC2. I am not a teacher, but your brother in Allah, road companions we will have meeting after you pass next stage confidentiality and secrecy are fundamentals of our work what state do you live in & do you own a car	036
Mon 03/09/2009 5:27 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO ghalib.bakir@gmail.com (UC1)	037
Mon 03/09/2009	terryg760@gmail.com - Aba-al-Ayyubi (Smadi) TO ghalib.bakir@gmail.com (UC1) Hosam Smadi admits in Dallas Texas we will have a meeting, Allah willing-asks for it in mosque own a car, not very good, hope the distance is not too far however you say that I have to take out some tools or something, is there any danger in this stage?	038
Mon 03/09/2009 2:11 a.m.	amman-pilot@hotmail.com TO I3dad99@hotmail.com (UC2) Hosam Smadi sent this note.	051
Tue 03/10/2009	terryg760@gmail.com - Amin Al-Karkhi (UC1's online name) TO Aba-al-Ayyubi (Smadi) cornerstone of our practical implementation-adherence and discipline in executing instructions. please follow the instructions with precision and concentration what I ask from you is to show to the brother your individual ability and your aptitude to carry out this work there is nothing better than a mujahid's rest with his brothers after fighting in a plain or a valley	040

Date	Summary of Fact	GEX
Tue 03/10/2009 1:53 a.m.	PING ghalib.bakir@gmail.com (UC1) TO jordan-pilot@hotmail.com (Smadi)	039
Tue 03/10/2009 6:33 p.m.	jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	052
Wed 03/10/2009 11:19 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO ghalib.bakir@gmail.com (UC1)	041
Wed 03/11/2009 8:12 a.m.	PING 2x jordan-pilot@hotmail.com (Smadi) TO ghalib.bakir@gmail.com (UC1)	041
Wed 03/11/2009	terryg760@gmail.com - Aba-al-Ayyubi (Smadi) TO Amin Al-Karkhi (UC1's online name)	042
Wed 03/11/2009 11:35 a.m.	PING I3dad99@hotmail.com (UC2) to jordan-pilot@hotmail.com in the habit there is benefit	053
Wed 03/11/2009 11:36 a.m.	UC2 amman-pilot@hotmail.com - Rafiq TO jordan-pilot@hotmail.com I will assist you I ask you to apply the instructions literally We will advance to important things...get you to your desire. The first mission is... Continue our communication by Draft... I have a very beautiful surprise for you.	054
Thu 03/12/2009 10:30 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	055
Thu 03/12/2009 10:31 p.m.	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi)	056
Fri 03/13/2009 3:00 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	057
Fri 03/13/2009 3:01 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq my intention is the jihad no one knows what it is in my soul of jihad, not even my father	058
Wed 03/18/2009 11:17 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	059
Wed	amman-pilot@hotmail.com - Rafiq TO jordan-pilot@hotmail.com	060

Date	Summary of Fact	GEX
03/18/2009 11:18 p.m.	(Smadi) your longing for jihad is the essence of Islam and its obligations commend you for wanting to talk with your father cannot share until you completely decide your position	
Thu 03/19/2009 6:27 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	061
Thu 03/19/2009 6:24 p.m.	amman-pilot@hotmail.com - Hosam Smadi TO Rafiq father is coming for a week next month - say farewell to the father so he does not worry when I disappear, but my intention is my intention I will never retreat from it unless you do not assist me then I will remain searching to an extent that does not end. Approves of Abu-Mus'ab al-Zarqawi I love UBL as my father no retreat, even if they took me to Guantanamo for the rest of my life I am truly ready for the jihadi life I hope you are not intelligence	062
Wed 03/25/2009 10:09 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	063
Wed 03/25/2009 10:10 p.m.	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) you are on the straight path. re jihad & father's visit - you do what you see appropriate with him. re jihad & father's visit - you do what you see appropriate with him. those who commit jihad with person & with money, Allah rewards the same.have a beautiful surprise for you - do not tell anyone - I visit TX sometimes you are not & will never be alone - you will be one among brothers Questions asked about person/ID	064
Sun 03/29/2009 4:53 p.m.	PING jordan-pilot@hotmail.com (Smadi) to I3dad99@hotmail.com (UC2)	065
Sun 03/29/2009 4:54 p.m.	amman-pilot@hotmail.com - Hosam Smadi TO Rafiq When I read what you wrote my body trembles. Answers questions	066
Sat 04/04/2009 9:33 a.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	067
Sat 04/04/2009	amman-pilot@hotmail.com -- Rafiq TO Aba-al-Ayyubi (Smadi) desire for the jihad is a serious and top secret matter do you have any hesitation or fear of what you are doing? Tell me with	068

Date	Summary of Fact	GEX
	candor. jihad of the self or money - which jihad do you desire? We can depart as friends. Let me walk with you, prepare your training, intro you to brothers like you, provide you with what is necessary, and get you to your goal. computer/cell/email/location questions	
Tue 04/07/2009 6:50 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	069
Tue 04/07/2009 6:48 p.m.	amman-pilot@hotmail.com -- Aba-al-Ayyubi (Smadi) TO Rafiq Answers questions not a coincidence he met us father will be here 26, depart 5 days later use a personal computer from a friend at work-leave no traces on it telephone, prepaid, not in my name 214-949-6902 near the airport 20-30 minutes, 35S toward DeSoto or Waxahachie	070
Sat 04/11/2009 10:18 a.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	071
Sat 04/11/2009	amman-pilot@hotmail.com -- Rafiq TO Aba-al-Ayyubi (Smadi) you are in the best place where every Mujahid wishes to reach - in USA we long to meet you - in about 2 weeks concerns me that the computer is not in your possession always	072
Tue 04/14/2009 2:58 p.m.	PING I3dad99@hotmail.com (UC2) to jordan-pilot@hotmail.com (Smadi)	073
Tue 04/14/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) brother will call you to set up meeting on the 6902 number. He will use 718-801-1020. Let me know quickly that you received this.	074
Tue 04/14/2009 7:44 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	075
Tue 04/14/2009 7:40 p.m.	amman-pilot@hotmail.com - Hosam Smadi TO Rafiq received your 2 messages, stored the 1020# in my 6902 phone under Hussein mobile password protected warning not to talk about the jihad on telephone provided aljoun-pilot@hotmail.com	076

Date	Summary of Fact	GEX
Thu 04/16/2009 10:58 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	077
Thu 04/16/2009 10:26 p.m.	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) some delay in the brother's schedule, he will call Saturday to arrange meeting	078
Sat 04/18/2009 10:33 p.m.	TELEPHONE CALL - UC3 TO Hosam Smadi	200
Tue 04/21/2009 9:53 p.m.	TELEPHONE CALL - UC3 TO Hosam Smadi	202
Wed 04/22/2009 9:27 a.m.	TELEPHONE CALL - UC3 TO Hosam Smadi	204
Wed 04/22/2009 9:52 a.m.	UC3 <u>Face-to-face meeting #1</u>	206
Thu 04/23/2009 12:28 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	079
Thu 04/23/2009 12:29 p.m.	amman-pilot@hotmail.com - Hosam Smadi TO Rafiq meeting happened w/ brother with ease and simplicity, gave him info about my conditions, am awaiting your reply father will be here Sunday, he will leave within a week from this day (Thu) Then I will be ready I already decided on the jihad. I hope from you to accept me as a brother in your ranks I will be a companion to you.	080
Fri 04/24/2009 2:55 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	081
Fri 04/24/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) beautiful news reached us from brother Hussein UBL will be proud of you in this world & intercede for you on the day of judgement remain hidden your intention and avoid violating the laws of the area concerned over your use of another's computer - may have a wonderful solution for that - inform you about this later contact you after father leaves	082

Date	Summary of Fact	GEX
Sat 04/25/2009 2:36 a.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	083
Sat 04/25/2009 2:31 a.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq wished to spend more time w/ Hussein my grandfather is Hussein, my brother is Hussein - beautiful coincidence jordan-pilot@hushmail.com, pass: !99halla! prefer our current communication method "carry out your affairs in secrecy" will not leak info even if they cut me to pieces in Guantanamo Bay we will strike America the fatal blow dog Bush - King Abdullah is Bush's servant signed: Al-Hussam, Aba-al-Ayyubi (Smadi) [The Husam]	084
Sat 04/25/2009 4:07 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	085
Sat 04/25/2009 5:01 p.m.	MESSAGE WITHDRAWN - amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) - deleted on 4/29/09 and replaced, looks like it was not read, Hosam Smadi never mentions its contents Re: method of secure communications & computer you use rich brother offers you a laptop computer instead buy excellent shoes for fast running....	086
Wed 04/29/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) replaced the 4/25 substantive message you impressed the brother Hussein keep our current method of communication preparing for another meeting with Hussein - days off coming up? wonderful idea-you buying a computer	087
Fri 05/01/2009 6:38 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com father is leaving tomorrow	088
Fri 05/01/2009 6:57 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq I will place all my energy in the path of Allah tell me next meeting date w/ Hussein-I will coordinate the vacation for this anti-American, anti-Israel, revenge of Mujahidin signed Aba al-Ayyubi, Al-Hussam	089
Sat 05/02/2009	Father leaves DFW for Jordan (see dad's INS records)	
Mon 05/04/2009 11:04 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi) Congratulations for the visit with the father	090

Date	Summary of Fact	GEX
Mon 05/04/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) did the visit of the father change anything in your determination or your views? Important that you take this decision by yourself without any outside pressures. Trying to send you Hussein soon, within a week or two.	091
Tue 05/05/2009 9:15 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) he departed and we spent a pleasant time	092
Tue 05/05/2009 9:16 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq father's visit was quick with some kind of the tension father knew - feared for danger or capture, the worry was confusing him I clarified to him that it is my wish in the jihad he understood it truly was my will success in our jihad operations that will break the back of America, Israel, & allies	093
Thu 05/07/2009 10:50 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	208
Fri 05/08/2009 12:45 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	094
Fri 05/08/2009	amman-pilot@hotmail.com -- Rafiq TO Aba-al-Ayyubi (Smadi) congratulations for the talk with your father we will send Hussein for second meeting time for serious work coming soon, are you ready? say to Hussein, but not in writing, what you want to do & needed equipment	095
Mon 05/11/2009 6:51 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	210
Tue 05/12/2009	UC3 Face-to-face meeting #2	214
Tue 05/12/2009 9:40 a.m.	TELEPHONE CALL UC3 TO Hosam Smadi	212
Thu 05/14/2009 7:01 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) doctor prescribed medicines	096
Thu 05/14/2009	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq capture of Jerusalem, expelling the Jews and Christians	097

Date	Summary of Fact	GEX
6:54 p.m.	god answered my prayers in finding you it is also a jihad in the heart Hussein already hosted me with his generosity signed Aba-al-Ayyubi (Smadi) our banner is black, written on it there is no god but Allah	
Sat 05/16/2009 7:46 a.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	098
Sat 05/16/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) your good news reached me from brother Hussein he sees in you the model of the young Muslim. Hussein tells me you did not discuss specific targets as we were expecting, hopefully next time may buy your friend's computer, so you can communicate any time from home without monitoring, if so, fantastic	099
Wed 05/20/2009 2:36 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) must make for you a Mansaf	100
Wed 05/20/2009 2:34 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq my friend does not want to sell his computer, so I will buy one, in a short time I will possess the money, a week or two. Car, I already lost it, transportation will be a little difficult. Allah willing that I become close to Hussein but I have to prepare myself so I become suitable and our path become facilitated promise we have a meeting after the victory	101
Sun 05/24/2009 8:53 a.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	102
Sun 05/24/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) Your love for the jihad and your determination for going forward appear clear, Allah willing your jihad will be accepted and you will be an intercessor, for your family also. Also yearn to meet you, here or in His exalted paradise with the heroic Mujahidin. Happy you are buying a computer within a week or two - this shows us your resolve and determination for the jihad; start using for researches for the jihad. Trying to send you Hussein.	103
Tue 05/26/2009 4:06 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) give me time so I make sure of the date	104
Tue 05/26/2009 4:03 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq happiness for the nation and our brothers in Guantanamo, upset the infidels we Allah's soldiers on a corrupt land I promise you that I will be from the distinguished among your ranks, for the disguise is of my good qualities and it will be a disguise for entering and destroying the heart of the enemy and paralyzing its members.	105

Date	Summary of Fact	GEX
	May Allah bless me, you, Sheikh and open our minds over these upcoming operations	
Sat 05/30/2009 1:28 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi) have you heard the news - got infected with the flu	106
Sat 05/30/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) have you heard about the brothers in NY who were arrested, Sheikh says to redUC telephone calls and air travel, preparation and patience. Delay sending brother Hussein	107
Mon 06/08/2009 11:40 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	108
Mon 06/08/2009 11:38 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq good news, I obtained a device w/ very high specifications, I work on the protection & prevention in case spying or monitoring [computer], making monthly payments. had not heard about the news, our strike be a joy for them in their prisons, may they receive paradise. My jihad in my money and my power and my soul gladdens me and comforts my soul...and my young age will surprise them. There is a good idea that already occurred in my head, it will be of the strongest strikes, it will hit the domestic and world economy of their partners, I will [talk] about it with brother Hussein my allegiance to UBL. disguising is a quality that I am endowed with [want plan for] September and more and less costly. and nothing will ever scare me....	109
Tue 06/09/2009 10:56 a.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	216
Mon 06/15/2009 12:38 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	110
Mon 06/15/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) leadership directs to continue our actions mentions Little Rock shooter, Abd-al-Hakim Mujahid Muhammad - we celebrate the enemy's loss, but this brother seems to have acted alone as the brothers in NY	111

Date	Summary of Fact	GEX
Mon 06/15/2009 6:56 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	112
Mon 06/15/2009 6:50 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq [response about Little Rock shooter] our strikes will not be like these-w/o thinking or consulting we do not desire to destroy 1 or 2 people, we aspire to destroy the infrastructure & who is in charge of it Cannot perform jihad alone because I do not possess the experience nor the arsenal, for this I was searching for you; this is not a coincidence; not looking forward to a single operation but many eager to see Hussein object to me erase our past messages?	113
Sat 06/20/2009 10:49 a.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	114
Sat 06/20/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) impressed w/ your observation of the old files, delete, keep last 1 or 2 start preparing a message for UBL Hussein in Dallas on 6/24, start preparing your transportation	115
Mon 06/22/2009 1:10 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	116
Mon 06/22/2009 1:11 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq writes Al Q'aida in code read the Hadith in 1999, when I was a boy saw the black banners religious..... I am one of their brothers but I will be a thorn of their thorns longing to see Hussein nothing delays me except the [immigration] papers you are more cherished to me than myself i am truly longing to execute the coming operations which will be in consultation with you I am not able to describe to you the extent of my loyalty to your side and truly long to be with you on one land signed Al-Hussam, Aba-al-Ayyubi (Smadi)	117
Tue 06/23/2009 3:59 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	218
Wed 06/24/2009	UC3 <u>Face-to-face meeting #3</u>	222

Date	Summary of Fact	GEX
Wed 06/24/2009 10:47 a.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	220
Wed 06/24/2009 5:39 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	224
Wed 07/01/2009 11:46 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	118
Wed 07/01/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) I did not hear from you since the day of your meeting with Hussein. What are your impressions and thoughts after that last meeting?	119
Fri 07/03/2009 11:34 a.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	120
Fri 07/03/2009 11:18 a.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq last meeting was beautiful, we saw strategic places possessing good money, but I was waiting for counsel from you first, I will be the executor, but I [don't] know what arsenal we will get. I am enthusiastic, I be with brothers after the success of the operations. I indeed ask for your counsel and expertise with the brothers, I await your opinion... I thank you for the question.	121
Sat 07/04/2009 11:53 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi) my visit to you has neared. Do you have time off work to receive me?	122
Sat 07/04/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) received good news from Hussein - your meeting was enjoyable and very beneficial. Your idea for 2 consecutive operations to airport & bank impressed me, shows that you are a Muslim warrior. Happy you did not choose third target for security reasons. Indicates your intelligence, cautiousness, and power of discernment. We are waiting for your research results. Your message to Sheikh has been sent. Another opportunity to send him a message coming. my duty to stress if you have any hesitation, now is the time to change your mind. No chance to change mind later. Can do jihad in other ways. We can continue as brothers in Islam only.	123
Wed 07/08/2009	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	124

Date	Summary of Fact	GEX
1:27 a.m.		
Wed 07/08/2009 1:23 a.m.	<p>amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq thanks for your reiteration of the questions once again about my desire in going forward towards this path. I truly will go in this path sooner or later & thank Allah this already was facilitated for me with you. I am happy and proud to truly be hand of your hands.</p> <p>how do you like me to think about this...I am truly here not to express the love of death, but if martyrdom was destined to me while I am in this road of mine so to the great reward.</p> <p>I am truly, Allah willing, on this course until the day of judgment So I will never stop to the moment of my martyrdom... international American Zionist alliance</p> <p>I am now in their very home so I will not leave their home before striking them inside it and outside it. I prefer to be disguised in their midst using their way better than hiding from them. Illusion is better than the hiding. It will be a full operation that has no traces even that I will have the alibi ...we defeated them economically and we shook the infrastructure and planted the horror in their hearts...we defeated them mentally and practically and we are still alive to another appointed time... so tell me what you want you want and advise me.</p>	125
Wed 07/08/2009 1:31 a.m.	<p>amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq very similar to previous msg plus I am ready if you will be ready for my assistance</p>	126
Fri 07/10/2009 2:59 P.M.	<p>PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)</p>	127
Fri 07/10/2009	<p>amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) your latest message clarified and affirmed your decision, we consider you as one of us.</p> <p>send us any of your completed researches.</p> <p>have you exhausted all your efforts to perform the researches although they require more effort in transportation?</p> <p>Send me the pictures you took with Hussein.</p> <p>Hussein will come see you - prepare your second message to Sheikh</p>	128
Mon 07/13/2009 4:45 p.m.	<p>TELEPHONE CALL -- UC3 TO Hosam Smadi</p>	226
Thu 07/16/2009 1:27 p.m.	<p>TELEPHONE CALL -- UC3 TO Hosam Smadi</p>	228
Fri 07/17/2009 1:30 p.m.	<p>PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)</p>	129

Date	Summary of Fact	GEX
Fri 07/17/2009 1:20 p.m.	<p>amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq we are a people that does not accept humiliation..as Allah facilitated for us the path of the jihad to be a mercy for us... let us take the fear far from our hearts. We will change the world and agitate the people...one army under the banner...of Al-Qa'ida under the command of the commander UBL I already decided to change the target, let us make it a big fish instead of the smaller fish -- the main bank for the city and not the branch that we gad already specified. It will be an imminent strong strike. it will shake the currently shaken economy... because this bank is of the biggest of this city -</p> <p>- DALLAS TEXAS Wells Fargo... glass from the outside... psychological effect of losing such a beautiful building... and the effects on the infrastructure... but the opinion is yours now.</p> <p>Big researches did not start yet as checking out the building internally and the protection systems and the ways of entry to execute the planting I long to see Hussein, my days off are....</p> <p>Old pictures from old location I already erased them for security... I do not prefer that any information would be saved there.</p>	130
Mon 07/20/2009 7:37 p.m.	<p>TELEPHONE CALL -- UC3 TO Hosam Smadi</p>	230
Tue 07/21/2009	<p>UC3 Face-to-face meeting #4</p> <p>UC3 picks up Hosam Smadi at domes</p> <p>Hosam Smadi walks Fountain Place</p> <p>Hosam Smadi makes UBL Pledge video</p>	240
Tue 07/21/2009 10:15 a.m.	<p>TELEPHONE CALL -- UC3 TO Hosam Smadi</p>	232
Tue 07/21/2009 11:08 a.m.	<p>TELEPHONE CALL -- UC3 TO Hosam Smadi</p>	234
Tue 07/21/2009 12:31 p.m.	<p>TELEPHONE CALL -- UC3 TO Hosam Smadi</p>	236
Tue 07/21/2009 1:05 p.m.	<p>TELEPHONE CALL -- UC3 TO Hosam Smadi</p>	238
Tue 07/21/2009 1:22 p.m.	<p>SMADI is observed walking through revolving doors on the Southeast corner of the Fountain Place/Wells Fargo Bank Building.</p>	
Tue 07/21/2009 1:32 p.m.	<p>SMADI observed at the back of the building near the "Fountains" of Fountain Place/Wells Fargo Bank Building.</p>	

Date	Summary of Fact	GEX
Tue 07/21/2009 7:58 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	242
Wed 07/29/2009 3:49 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) blessed Ramadan soon	131
Wed 07/29/2009 3:47 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq "To the command". These are the pictures of the building. do you believe the idea of my staying after the operation is a good idea? The reason for my staying is to build a better future for other [operations]. I would love to be with the forces of the commander...training on all kinds of warfare and the using of the weapons and manufacturing of the gifts [bombs] for them - decided to stay in the country after the operation as a disguised agent a normal life - Advise me on what is best. cannot visit family in Jordan, my papers are not ready	132
Tue 08/04/2009 1:52 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	133
Tue 08/04/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) received good news from Hussein about your preparations and your thoughts for the operation - placed a smile on the faces of the Mujahidin. Your analysis impressive - thus remaining in the current country seems best. How proud we are of a young man like you who displays signs of leadership in the operations.... tell me your thoughts for the next battle. Hotmail removes attachments when using the temporary folder. Send me an email from your personal account.	134
Sun 08/09/2009 12:00 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) Fri 8/07/09 12:19 pm - Snagged on Sunday	135
Sun 08/09/2009 12:01 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq Sat 8/08/09 3:20 am - Snagged on Sunday selection of the building is done because it is a strategic location in the middle of the city a large tower seen by all.... [description] I will enter the building and destroy it and exit safely and they will never know because I will use the disguise technique before entering the operation by altering the personal appearance... operation will be a success depending on what we possess so if I wanted to plant something inside... it will be timed or uses high frequencies from a distance... allow enough time to exit... security teams will be in an emergency state everywhere... I will go to work for an alibi I searched for this target so the economical strike will be strong	136

Date	Summary of Fact	GEX
Wed 08/12/2009 1:33 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) Blessed Ramadan on you	137
Wed 08/12/2009 1:31 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq go to the sent box; First is Fountain Place; second is Bank of America description of targets I obtained a personal vehicle Do we wait until after the virtuous month?	138
Wed 08/12/2009 1:06 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) EMAIL TO amman-pilot@hotmail.com 8 attachments pictures	139
Sat 08/15/2009 9:32 a.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	140
Sat 08/15/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) Pictures of the targets are wonderful. we very proud of you, you are intelligent, courageous, thinker in the details. Time already has gotten very near to strike the enemy in his own home a hurtful strike and consecutive strikes. So are you ready? What are your expectations about the casualties in the upcoming victory day? This day is your day to show the extent of your commitment and courage.	141
Tue 08/18/2009 1:14 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	244
Wed 08/19/2009 10:21 a.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	246
Wed 08/19/2009 10:29 a.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	248
Sat 08/22/2009	Start of Ramadan - goes through 9/19	
Sat 08/22/2009 11:22 p.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2) I thank you for the initiative and a blessed Ramadan on you.	142
Sat 08/22/2009 11:21 p.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq 1 target now - the first is more suitable, surveillance already, so don't waste this opportunity Casualty rates will be high.	143

Date	Summary of Fact	GEX
	Passes along - military on way to Afghanistan - warn the mujahidin.	
Mon 08/24/2009 11:23 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	144
Mon 08/24/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) avoid violence during Ramadan is commended. We have completed the equipment and it is ready. When do you want to execute after Ramadan? We want to tell the Sheikh; he may make a tape & mention the city. Do not tell anyone about this secret.	145
Tue 08/25/2009 2:21 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	250
Tue 08/25/2009 11:00 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	252
Wed 08/26/2009	UC3 <u>Face-to-face meeting #5</u>	258
Wed 08/26/2009 10:54 a.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	254
Wed 08/26/2009 5:53 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	256
Fri 08/28/2009 4:05 p.m.	SMADI arrives at the intersection of Ross Avenue and Field Street, Dallas, Texas. After holding a brief moment, he began driving multiple laps around the city block comprising the WELLS FARGO BANK AT FOUNTAIN PLACE, 1445 Ross Avenue, Dallas, Texas.	
Fri 08/28/2009 4:15 p.m.	SMADI drives his Honda Accord into the underground "Visitor Parking" for FOUNTAIN PLACE. Once inside, he initially attempts to enter a downward parking area restricted to "Monthly Parking" attendants.	
Fri 08/28/2009 4:17 p.m.	SMADI drives his Honda Accord in reverse, backing-up the downward ramp. He executes a three-point turn, and enters the exit ramp back towards the street and exits the underground parking garage.	
Sat 08/29/2009 4:00 a.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	146

Date	Summary of Fact	GEX
Sat 08/29/2009 3:57 a.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq To commander Rafiq Allah willing the date for the victory is Tuesday 29-9-2009, the 6th day after fasting Changing the Plan I visited the location once again. Then we want the disappearance of the entire building... in the method of the TALIBAN (vehicle) It will be very powerful for bringing down the building encountered a small and easy problem - garage monthly subscribe - if cannot obtain it, I will break through it and through the gate, but ideal for the safety of the operation 100%; I will never accept failure because it is from the cursed Satan. Message to the commander Sheikh:DALLAS is the name of the city, we should start an insurrection among them this time. So let your message as you wish, but I love if you add to it some of their malicious style.... the conditions are the release of all prisoners, suspects, and convicts; withdrawal of all the foreign and American forces; we shall do [what is] necessary to wipe them from the map; not to interfere in the affairs of the Arab nations at all. O American people, the choice is yours. from me to you is the faithfulness Al-QAIDA signed Al-Ayyubi 6-5-1990 [his DOB=June 5, 1990]	147
Thu 09/03/2009 7:38 p.m.	PING I3dad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	148
Thu 09/03/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) proud of your message to Sheikh, your intelligence, researches... be sure that the decision is your decision, be sure that the coming operation with its details is your own choice. The date you selected may not be the very same one. The specific date will come to us from above.	149
Tue 09/08/2009 2:24 a.m.	PING jordan-pilot@hotmail.com (Smadi) TO I3dad99@hotmail.com (UC2)	150
Tue 09/08/2009 2:15 a.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq He perfected our path until now in complete safety to strike them in their homes and to beat the drums of victory. I am not venturing in a martyrdom operation as do my brothers - oh how I love to be destined for martyrdom someday spreading the horror in their hearts and the victory of our commander the Sheikh. Two visions. you did not answer my question about the gate method when I park the blessed car, the execution before someone sees it and the discovery takes place, the time between my leaving the car and my exiting	151

Date	Summary of Fact	GEX
	from it should be 5-7 minutes of a smashing victory and I am still free my wishes to be one of the arms of the Sheikh, march side-by-side with him	
Fri 09/11/2009 10:22 p.m.	PING Bdad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi)	152
Fri 09/11/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) scripture, compliments the equipment is almost ready for the accomplishment of your goal do not carry arms or knives	153
Fri 09/11/2009	Hosam Smadi ARRESTED by Ellis County Sheriff's Office for driving without a license, no insurance stopped on 9/10, arrested on 9/11	
Sun 09/13/2009 12:40 a.m.	PING jordan-pilot@hotmail.com (Smadi) TO Bdad99@hotmail.com (UC2)	154
Tue 09/15/2009 10:17 a.m.	PING jordan-pilot@hotmail.com (Smadi) TO Bdad99@hotmail.com (UC2) [looks like he changed the message when he saw we had not opened it and sent another ping]	155
Tue 09/15/2009 10:18 a.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq I convey to you unpleasant news - I was arrested on the blessed Friday 11 the hour 12. I was stopped and arrested, car seized for driving without license. The cop hates Arabs. Transportation to the prison took place with harsh treatment and with total faith... See 9:11 on clock a lot; it increases in me nothing but power and steadfastness and endorsement for what I am in and also my arrest was done on the same date a... in which the blessed attack took place. Had my hearing. Discharged with a bond, until the American business owner who I work for him came and paid the bond at exactly 4. Took my fingerprints. FBI called to verify my identity. I am sorry for this news. I do not want to lie to you and tell you that I am not being suspected in the police office now. I will get a new phone number, please give to Hussein. As for me, I am prepared to strike them and I did not increase except power and steadfastness. I have to change the place of my residence because I am in an exposed location. Hussein can settle in this place for a while. From you the opinion, from us the execution. 9/15 - got the car back	156
Tue 09/15/2009 10:12 p.m.	PING(UC2) TO jordan-pilot@hotmail.com (Smadi) do not worry Bdad99@hotmail.com y	157
Tue 09/15/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) I am sorry for what happened to you. Proud of you for your patience and controlling your nerves in this ordeal. Do not worry at all. If the authority considers you a danger, they would have kept you in prison...	158

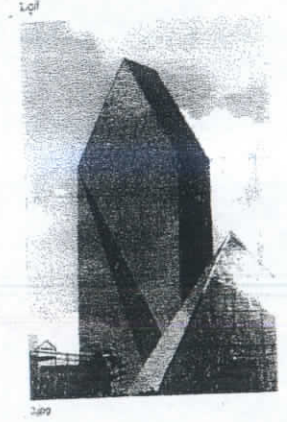
Date	Summary of Fact	GEX
	Send me any new phone number, I will give it to Hussein. Talk to Hussein in English the next time	
Fri 09/18/2009 9:27 p.m.	PING Bdad99@hotmail.com (UC2) TO jordan-pilot@hotmail.com (Smadi) the celebration of the holiday has neared a lot	159
Fri 09/18/2009	amman-pilot@hotmail.com - Rafiq TO Aba-al-Ayyubi (Smadi) your celebration is at the doors. That you prepared for it with Hussein will complete on the 24 of the current month. Hussein will bring to you the gift that you requested from him to prepare it for you.	160
Sat 09/19/2009	end of Ramadan	
Sat 09/19/2009 6:28 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	260
Sat 09/19/2009 7:31 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	262
Sun 09/20/2009	Start of Eid - goes through 9/22	
Sun 09/20/2009 12:49 a.m.	PING jordan-pilot@hotmail.com (Smadi) TO Bdad99@hotmail.com (UC2) a blessed holiday upon you all	161
Sun 09/20/2009 12:46 a.m.	amman-pilot@hotmail.com - Aba-al-Ayyubi (Smadi) TO Rafiq Let the drums of victory be beaten. So on this day I am indeed ready for the receiving of the gift, I thank you. May this be only the beginning and what is coming is greater. The winning is ours the victory is ours the afterlife is ours.	162
Tue 09/22/2009	End of Eid	
Tue 09/22/2009 2:51 a.m.	Smadi shops at Walmart in Hillshore, Texas, purchasing a long sleeve shirt, one pair of Men's shoes, black pants, a red men's necktie, and a cowboy hat. Total shopping cost \$82.56.	
Wed 09/23/2009 8:14 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	264
Wed 09/23/2009 8:17 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	266

Date	Summary of Fact	GEX
Wed 09/23/2009 8:39 p.m.	TELEPHONE CALL -- UC3 TO Hosam Smadi	268
Thu 09/24/2009 2:15 a.m.	Smadi shops at Walmart in Hillsboro, Texas, purchasing food and toiletry items. Total shopping cost \$266.54.	
Thu 09/24/2009 9:02 a.m.	TELEPHONE CALL - UC3 TO Hosam Smadi	270
Thu 09/24/2009 9:12 a.m.	TELEPHONE CALL - UC3 TO Hosam Smadi	272
Thu 09/24/2009 11:14 a.m.	UC3 <u>Face-to-face meeting #6</u> - ODAT Hosam Smadi ARRESTED 11:14a- 12:19p	274

from Smadi_Arabic.wpd

P: smadi-hosam@icloud.com
 smadi-hosam@icloud.com
 P: smadi-hosam@icloud.com
 Address:
 8100 W. Loop 1214 S., Suite 1000, Dallas, TX 75241

downtown dallas places you should visit

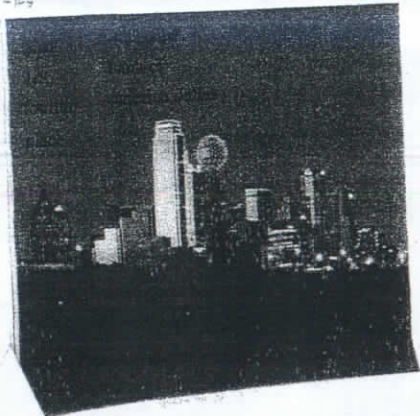




1993

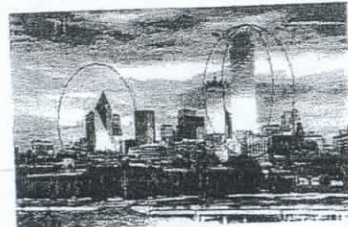


1999

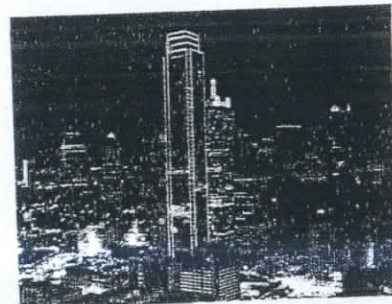


The first building

The second building



1999



1999

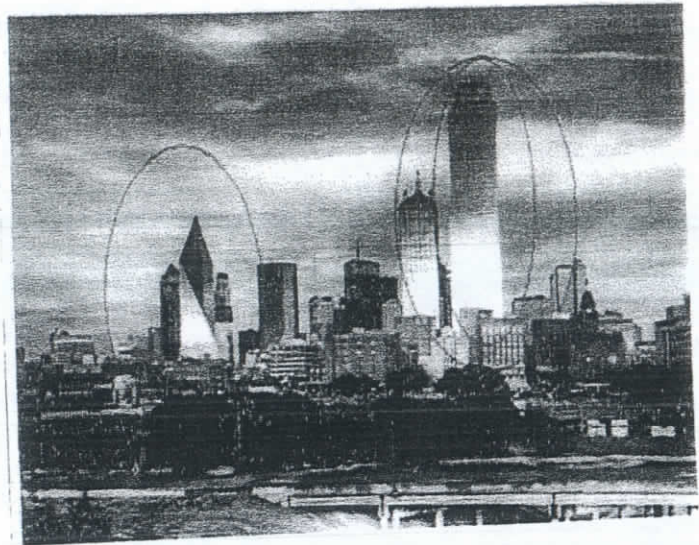
The first building contains five banks and contains 60 floors

The second building bank of america dallas

fountain place dallas



6.jpg



7.jpg



8.jpg