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## TAKING BOMBS FROM STRANGERS

### *How far should the Government go in fighting terrorism?*

*By Julius (Jay) Wachtel.* Just when those nasty Jihadists thought it was safe to emerge from the shadows, another loudmouth fell prey to a terrorist sting. On October 27 FBI agents arrested [Farooque Ahmed](#), 34, a naturalized citizen of Pakistani descent for plotting to bomb commuter rail stations in Virginia. But not to worry! Just like in the case of the "[Men Who Talked Too Much](#)," public safety was never at risk. Ahmed's "conspirators" were Government agents.

Flash back to the 1970's and 80's when police departments used Federal grants to fund sting operations against fences and thieves. Your blogger, then with ATF, worked undercover on two such projects in the Phoenix area. (His observations formed the basis of a Master's thesis. For the abstract click [here](#).) Posing as someone looking to buy stolen goods, he learned that it was ridiculously easy to get people to bring in loot. Most turned out to be opportunists looking for a fast buck. Their enthusiasm quickly depleted the budget and led to the worry that sooner or later a citizen would get hurt. How greedy were they? One small-time thief asked your blogger if he needed a front-end loader. When told "yes" he hot-wired the nearest one handy and drove it across town. (Patrol officers intercepted him enroute.)

It's not just sting operations. Undercover work that isn't tightly controlled can cause crimes to happen that would not have otherwise occurred. In a [journal article](#) inspired by his experiences your blogger identified two characteristics that seem especially pertinent.

		Opportunity Structure	
		Authentic	Unauthentic
Targeting	Focused	1	2
	Diffused	3	4

"Targeting" means how suspects are selected. It ranges from focused, where a known offender is approached, to diffused, where officers transact business with anyone whom they manage to lure.

"Opportunity structure" denotes the settings and inducements. It ranges from authentic, where transactions are realistically staged, to unauthentic, where they are not.

For example, if an undercover officer buys drugs from a known drug dealer (focused targeting) and pays the going price (authentic opportunity structure) the transaction falls in cell number 1. If too much money is offered or the seller is asked to deliver larger quantities of drugs than they normally deal (unauthentic opportunity structure) the transaction falls in cell number 2.

Focused targeting is far less likely to lure opportunists and create surplus crime. If focused targeting is impossible – for example, when mounting a sting against car burglars – opportunity structures should be as authentic as possible. Leaving a purse in a locked car (cell number 3) is a far better practice than in one with the windows rolled down (cell number 4).

Post-9/11 domestic terrorism cases tend to lack in one or both dimensions. In the [Liberty City/Sears Tower plot](#) of 2006, an FBI informer encouraged members of a bizarre Miami religious sect to make plans to bomb the famous Chicago landmark. That case went through two mistrials before convictions were returned. It was followed by the 2007 arrest of the [Fort Dix Six](#), another group that was talked into a terrorist frenzy by an FBI informer.

Criticisms that only wannabes were being snared led the FBI to start giving targets make-believe bombs to plant. That strategy figured in three cases last year.

- In May 2009 [four ex-cons](#) were arrested for placing a “bomb” in a car parked at a Jewish synagogue. They were convicted last week despite serious reservations by the judge and jury about the informer’s conduct. (For more see the [post](#) below.)
- In September 2009 the FBI arrested [Hossam Smadi](#), 19, a Jordanian national who overstayed his visa. Smadi had parked a supposedly bomb-laden FBI car in an underground garage of a Texas office tower.
- Also in September 2009 the FBI arrested [Michael Finton](#), 29, an embittered ex-con with dreams of Jihad. He parked his FBI-furnished vehicle across the street from an Illinois Federal courthouse. It too had a “bomb.”

Last week we wrote about the entrapment defense. This time we’re taking a different approach. Whether or not the government can legally entice persons to commit crimes, should it? Consider the two dimensions, targeting and opportunity structure, mentioned above.

- As to targeting, should agents or informers keep going to mosques or other places where Muslims gather until someone bites?
- As to opportunity structure, should agents or informers supply targets with everything they need, from the motivation to proceed, to the knowledge to do so, to the implements (i.e. the bombs) themselves?

Unlike Times Square Bomber [Najibullah Zazi](#), who acted on his own initiative, the dupes mentioned above lacked the independent capacity to bomb anyone. They also frequently wavered after things were set. By then, of course, a lot of effort and money had already been spent, and it was very much in the agents’ self-interest that the investigations not come apart.

We only know about the characters whom the FBI stumbled across that agreed to do Jihad. Having done a bit of police work himself, your blogger is convinced there are likely thousands of candidates. Fortunately, bizarre law enforcement practices tend to have a limited life-cycle. Police sting operations

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became less productive as word spread that cops were buying loot. It's inevitable that amateur Jihadists will in time stop accepting bombs from strangers.

As for those we really should worry about, rest assured they never would.