

# Transforming U.S. Efforts to Fight Transnational Terrorist Networks

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## Brief Analysis

**T**he FBI recently announced that it is engaged in a comprehensive realignment of its counterterrorism division - the largest such reorganization since the September 11 attacks. Although the proposed reorganization is unlikely to achieve the desired fundamental transformation, it should improve the bureau's ability to combat the increasingly complex threat posed by transnational terrorist networks.

### Past Reorganization

On September 26, the Washington Post reported that the FBI was fundamentally restructuring its counterterrorism division and operations. According to the bureau, the changes will increase its effectiveness in combating large transnational terrorist networks and the increasing collaboration between them.

Under the new structure, the FBI will combine its two international terrorism divisions -- currently, one covers al-Qaeda and other Sunni extremist groups, and the other covers Hizballah, Hamas, and Palestinian Islamic Jihad. The bureau plans to use Britain's famed security service, the MI5, as a model for its revamped operations. Washington-based desk officers will help identify global terrorism trends and drive investigative strategies. The bureau also will adopt a longer-term approach to its terrorism investigations in cases where there is no imminent threat. This will encourage agents to gather information about terrorist suspects for as long as possible before making arrests, toward the goal of better understanding increasingly diffuse and complex terrorist networks.

This is not the FBI's first effort to transform its counterterrorism capabilities. In the early 1990s, it attempted reform to address the growing threat of Islamic terrorism. In the wake of the 1993 World Trade Center attack, the bureau determined that it needed a more preventive counterterrorism posture. As it noted in a subsequent report to Congress, "merely solving this type of crime is not enough; it is equally important that the FBI thwart terrorism before such acts can be perpetrated." Accordingly, the FBI made a number of organizational changes, including the establishment of a counterterrorism center, a unit focused on Osama bin Laden, and an expanded overseas liaison presence. The bureau also formed an Office of Intelligence and a separate division to house intelligence analysts, all in an effort to bolster the organization's strategic analytical capabilities.

After September 11, preventing terrorist attacks became the FBI's top priority, and the bureau enacted a number of additional reforms. First, it centralized its counterterrorism efforts, giving headquarters more authority and responsibility over investigations worldwide. It also took steps to improve its intelligence, analytic, and information-

sharing capabilities, as well as its integration into the broader intelligence community. For example, the bureau created a college of analytic studies in 2003 and an intelligence directorate in 2004. In 2005, it placed its counterterrorism and counterintelligence divisions into a newly established National Security Service, operating under the oversight of the director of national intelligence.

### The Right Approach

The current reorganization is a step in the right direction. The FBI has accurately identified several major challenges and possible solutions. First, it has recognized that the divisions between various Islamic terrorist groups are not as sharp as they once were. The case of Muhammad Ali Hassan al-Moayad is a good example -- in March 2005, the Yemeni cleric and his assistant were convicted of conspiring to provide material support to both Hamas and al-Qaeda.

Terrorist networks are also increasingly transnational in nature, requiring the bureau to develop a more global focus. In a recent speech, FBI director Robert Mueller cited a case in which three seemingly independent investigations -- of two college students in Georgia, a Swedish and Danish national in Bosnia, and the Canadian cell now known as the "Toronto 17" -- turned out to be linked. The FBI worked with its partners in the United Kingdom, Denmark, Canada, Bosnia, and Bangladesh to coordinate the investigations and make joint decisions on when to disrupt the networks.

The bureau's plan to adopt a longer-term investigative approach to cases not involving imminent threats is vital to building a deeper understanding of transnational networks. It would also represent a shift away from the post-September 11 strategy of taking fewer risks when confronted with the potential for future lethal attacks. Dale Watson, former FBI chief of terrorism, explained that early intervention strategy: "There are no guarantees in this business. . . . [I]f you're the president or . . . vice president and somebody tells you, 'Well, there's a real high probability they're not going to do anything, and we want to watch them for a while,' [you'd] say, 'Hmm. I don't think so.'"

This strategy took concrete form in the bureau's handling of the "Lackawanna Six," a terrorist cell in Buffalo. After the cell members pleaded guilty to supporting terrorism, the head of the FBI office in Buffalo acknowledged that "we did not find anything specific that they were planning," while the U.S. attorney noted that "we may never know what, if anything, was planned." Nevertheless, Director Mueller defended the decision to arrest the cell members, stating, "Do the American people want us to take [a] chance, if we have information where we believe that a group of individuals is poised to commit a terrorist attack in the United States that will kill Americans?"

### An Uphill Battle

Although the FBI reorganization is both necessary and well designed, implementation will be difficult. The bureau's entrenched law enforcement culture has hindered previous efforts to transform its counterterrorism operations. As the 9-11 Commission concluded in its July 2004 final report, "We have found that in the past the [bureau] has announced its willingness to reform and restructure itself to address transnational security threats, but has fallen short."

Subsequently, the 9-11 Commission's Public Discourse Project (PDP) issued its final report card in December 2005, giving the FBI a "C" for its national security reform efforts. It found that "the FBI's shift to a counterterrorism posture is far from institutionalized, and significant deficiencies remain." It also stated that the bureau's reforms "are at risk from inertia and complacency; they must be accelerated, or they will fail."

The biggest obstacle to the current restructuring will be upgrading analytic capabilities. Under the reorganization proposal, Washington-based desk officers -- presumably analysts -- would play a key role in leading counterterrorism strategy and operations. Yet, an April 2007 Justice Department inspector general's report raised

questions regarding the appropriateness of placing analysts in such roles. The report found that analysts and agents "tend not to interact as professional equals." According to the inspector general, there is still a "strong professional divide between special agents and analysts [that] impedes the collaboration needed to effectively meet the FBI's mission."

Former 9-11 Commission co-chairs Lee Hamilton and Tom Kean reiterated these concerns in a Senate hearing held yesterday. Kean observed that analysts are still "second-class citizens" at the FBI, and Hamilton stated, "[I]f fighting terrorism is now the highest priority of the FBI, then the role of analysts . . . must change dramatically."

### The Way Forward

The FBI's slow restructuring progress is not a reason to hand its counterterrorism mission over to a new domestic intelligence agency, as some have proposed. There are many reasons why that mandate should remain with the FBI, including the government's poor track record on large-scale counterterrorism reorganizations. It is important to realize, however, that transforming the bureau will be a long-term effort, requiring FBI leadership to aggressively push reform efforts with strong oversight from Congress and the director of national intelligence. Otherwise, the risks pointed out by the PDP will remain all too real.

Michael Jacobson, a senior fellow in The Washington Institute's [Stein Program on Terrorism, Intelligence, and Policy](http://www.washingtoninstitute.org/templateI02.php?SID=11) (<http://www.washingtoninstitute.org/templateI02.php?SID=11>), served as counsel to the congressional September 11 investigation team tasked with assessing the FBI's performance. He has also served as an intelligence analyst and assistant general counsel at the bureau. ❖

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