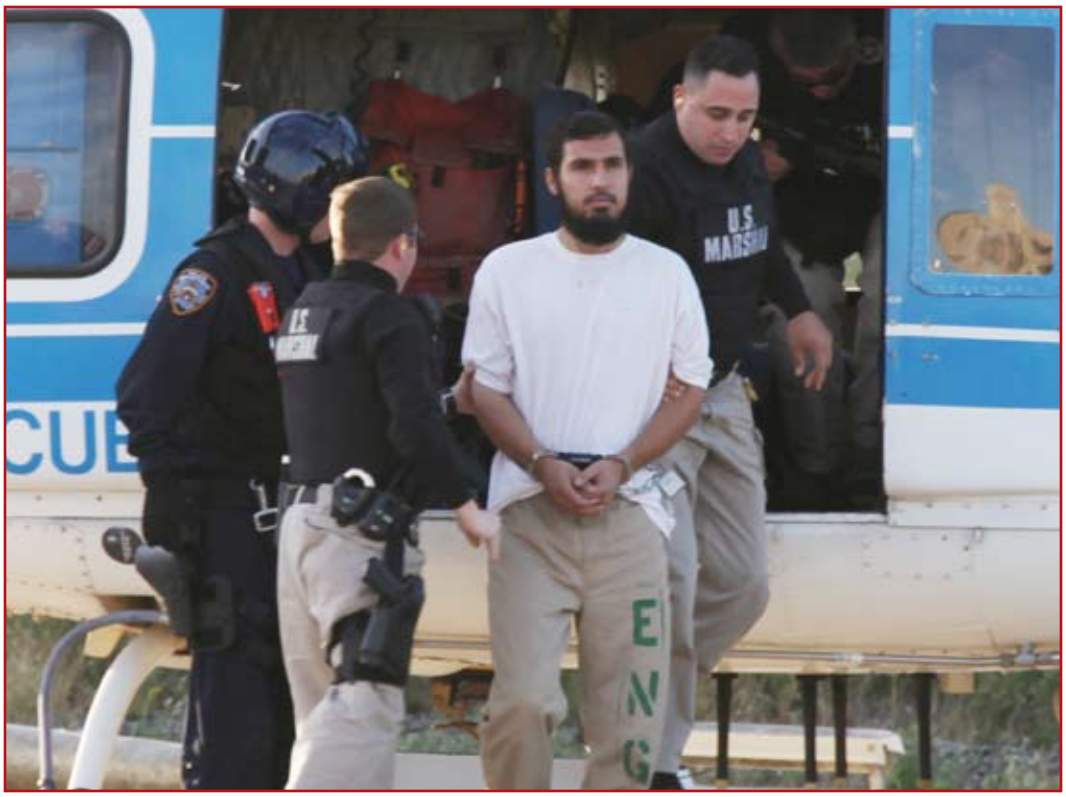

Continuity and Change

Reshaping the Fight against Terrorism

Matthew Levitt and Michael Jacobson, Editors

Policy Focus #103 | April 2010

THE WASHINGTON INSTITUTE
for Near East Policy

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Cover: Najibullah Zazi, center, is escorted off an New York City Police Department helicopter by U.S. marshals after being extradited from Denver, CO, Sept. 25, 2009. Zazi was sent to New York to face charges of conspiracy to use weapons of mass destruction in an alleged plot to blow up commuter trains. (AP Photo/New York City Police Department)

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Ambassador Kenneth Brill recently retired as director of the National Counterproliferation Center as well as counterproliferation mission manager for the director of national intelligence (DNI). In this joint capacity, he was principal advisor to the DNI on issues relating to weapons of mass destruction proliferation and delivery. A career foreign service officer, he served from September 2001 through July 2004 as U.S. representative to both the International Atomic Energy Agency and the Vienna office of the United Nations. He was appointed to his current post in 2005.

Lt. Gen. Ronald Burgess, Jr., is director of the Defense Intelligence Agency, a position he assumed in March 2009. Previously, he served in the Office of the Director of National Intelligence as director of the intelligence staff (2007–2009) and as deputy director of national intelligence for customer outcomes (2005–2007). A lieutenant-general, he has nearly thirty-five years of commissioned service in military intelligence and has also held key intelligence positions at the Joint Special Operations Command, the U.S. Southern Command, and the Joint Staff.

Lt. Gen. (Ret.) James Clapper, Jr., is undersecretary of defense for intelligence, the principal staff assistant and advisor to the secretary and deputy secretary of defense regarding intelligence, counterintelligence, and security matters. In addition, he is director of defense intelligence, serving as the director of national intelligence's principal advisor on that sector. From September 2001 to June 2006, he served as the first civilian director of the National Geospatial Intelligence Agency. In 1995, he retired from the U.S. Air Force as a lieutenant-general following a thirty-two-year career.

Michael Downing, a twenty-seven-year veteran of the Los Angeles Police Department, is deputy chief of the Counter-Terrorism and Criminal Intelligence

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Richard Falkenrath has served since July 2006 as deputy commissioner for counterterrorism in the New York City Police Department, where he oversees counterterrorism operations and training. The principal author of the U.S. government's *National Strategy for Homeland Security,* he was centrally involved in the establishment of the Department of Homeland Security, the Terrorist Threat Integration Center (predecessor of the National Counterterrorism Center), and the FBI's Terrorist Screening Center.

Todd Hinnen was appointed deputy assistant attorney-general for law and policy in the Justice Department's National Security Division in February 2009. Previously, he served as chief counsel to then-senator Joseph Biden of Delaware. From August 2005 to January 2007, he served as director of the National Security Council's Counterterrorism Directorate, chairing the interagency body responsible for coordinating U.S. efforts to combat terrorism financing.

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Finally, we extend sincere thanks and appreciation to the many generous donors to the Stein Program: you make all our work possible.

Matthew Levitt
Michael Jacobson
April 2010

Introduction

Matthew Levitt and Michael Jacobson

In April 2009, The Washington Institute hosted Todd Hinnen, deputy assistant attorney-general for law and policy in the U.S. Justice Department's National Security Division, who addressed the legal framework being developed by the Obama administration to underpin its counterterrorism operations and strategy. Hinnen was the first Obama administration official to speak at the Institute as part of the Stein Program on Counterterrorism and Intelligence lecture series with senior counterterrorism officials, initiated in December 2007.[1] Since Hinnen's visit, a number of other senior administration officials have participated in the series, including Special Operations Commander Adm. Eric Olson, Defense Intelligence Agency (DIA) director Lt. Gen. Ronald Burgess, National Counterproliferation Center director Kenneth Brill, and Department of Defense undersecretary for intelligence Lt. Gen. (Ret.) James Clapper, Jr. The lecture series has also branched out beyond the federal government, with speeches by the UN's top al-Qaeda watcher, Richard Barrett, as well as officials from the two most important local law enforcement agencies in the counterterrorism arena, the New York and Los Angeles police departments.

These lectures provided valuable insights into the Obama administration's approach to counterterrorism early in its tenure. Of particular interest were not only the areas in which the Obama administration is diverging from the Bush administration's counterterrorism strategies and tactics but also the areas in which it is not. Of course, one of the key factors shaping the Obama administration's counterterrorism approach is the state of the terrorist threat facing the United States and its allies. This is a topic covered at length in the lectures, as the speakers offered a mixed picture on the current capabilities of al-Qaeda and its allies. The lecture series also helped highlight a number of the new actors in the counterterrorism arena, at the federal, state, and local levels—demonstrating how much the system is still in transition.

■ *Matthew Levitt, director, Stein Program on Counterterrorism and Intelligence, The Washington Institute*

■ *Michael Jacobson, senior fellow, Stein Program on Counterterrorism and Intelligence, The Washington Institute*

1. The first thirteen lectures in this series were published as Policy Focus #86, *Terrorist Threat and U.S. Response: A Changing Landscape* (http://www.washingtoninstitute.org/templateC04.php?CID=297) and Policy Focus #92, *Countering Transnational Threats: Terrorism, Narco-Trafficking, and WMD Proliferation* (http://www.washingtoninstitute.org/templateC04.php?CID=307).

A New Approach?

In his speech, Hinnen laid out the Obama administration's early thinking on the legal framework it would apply in the counterterrorism arena. Hinnen made clear that, on this issue, the Obama administration had made a "clean break" from some of the practices adopted during the Bush years. Hinnen observed that he was "predisposed to view the development of an appropriate legal framework as essential" to combating terrorism for reasons that were both practical and principled. This legal framework, according to Hinnen, must be enduring and not be abandoned in difficult times. Hinnen made clear, however, that he did not believe that such a legal reorientation would or should constrain U.S. counterterrorism efforts, arguing that an effective framework must allow the government to "collect, share, and use intelligence, and either to kill the adversary in armed conflict or to capture, transfer, prosecute, and detain him."

Michael Downing, the deputy commissioner for counterterrorism in the Los Angeles Police Department (LAPD), offered similar thoughts in his talk. Downing argued that "legitimacy" was one of the most important criteria for the success of law enforcement initiatives when it comes to fighting terrorism. This legitimacy, in Downing's view, is derived from a "pride in operating constitutionally and within the law." Transparency is also essential to legitimacy so that the general public can recognize the constitutionality of such efforts.

Legitimacy is one of the most important criteria for the success of law enforcement initiatives when it comes to fighting terrorism.

Some of the decisions made by the Obama administration reflect the framework offered by Hinnen at the Institute. In November, Attorney-General Eric Holder announced that Khaled Shaikh Muhammad (KSM), the alleged mastermind of the September 11, 2001, attacks, and several coconspirators would be tried in federal court in New York. Meanwhile, other al-Qaeda members in U.S. custody would be prosecuted by way of a military commission. Hinnen projected, back in April, that this type of dual-track approach might be taken, noting that "trial in a federal criminal court may not always be possible" but that, where it is, "it is an effective and essential part of our legal framework for combating terrorism."

While the Obama administration has shifted notably away from some Bush-era policies, when it comes to counterterrorism-related law enforcement tools, it has pushed to keep these post–September 11 powers. In the summer of 2009, the Justice Department pressed Congress to reauthorize three expiring provisions of the USA Patriot Act, a stance that was criticized heavily by some in the civil rights community. And the Justice Department, to this point, has not taken any steps to revise the attorney-general guidelines for FBI counterterrorism investigations. The guidelines, which were released toward the end of the Bush administration, increased the FBI's ability to conduct broad assessments of the terrorist threat.

Interestingly, New York City Police Department (NYPD) deputy commissioner Richard Falkenrath—speaking well before the attorney-general's decision to prosecute KSM and others in federal court—cautioned that increasing the role of law enforcement in counterterrorism might have negative repercussions. Trying too many terrorists in federal courts could affect the ability of the law enforcement agencies to focus on preventing terrorist attacks,

Falkenrath warned. In such cases, he said, law enforcement agencies would have to divert significant investigative resources to providing support for these growing numbers of prosecutions. As a result, Falkenrath continued, if you have "too many high-profile cases in too many courthouses, I think that there's a risk that we will have less resources to pursue new leads as they come along." Falkenrath noted that he is not against bringing these cases to federal court "by any means" but that "this is a resource management issue that the Department of Justice and FBI need to take seriously." And, in fact, the FBI has since established a dedicated New York task force to support the prosecution of KSM and his cohorts.

Although the Obama administration has emphasized a shift from a military-led approach to counterterrorism, speakers made clear that the military continues to play a vital role in the fight against terrorists. President Obama's recent decision to send 30,000 additional U.S. troops to Afghanistan to try to shift the tide there away from the Taliban is a good example of this continuing reliance on the military. Eric Olson, commander of U.S. Special Operations Command (USSOCOM), put it well, describing the importance of the Special Forces in particular. He made the case in blunt terms: "If we can't prevent conflict, we will have to deal with it. In either case, your Special Operations Forces are key to the effort." With 54,000 people serving in the Special Forces, the U.S. government has a powerful capability to back up Olson's statements. The DIA also plays an important part in the overall effort, as its chief Ronald Burgess explained, providing intelligence analysis to military commanders and policymakers on a "full spectrum of current and potential threats." Not surprisingly, the DIA's current top priority is Afghanistan-Pakistan.

The military has become increasingly focused on strengthening ties and protecting communities.

There is a growing recognition, in these speakers' commentary, that the fight against the terrorists cannot be won by the military alone. Olson acknowledged candidly that these conflicts won't be resolved by USSOCOM or the Department of Defense, and that they require a "global effort to complete successfully." Such remarks echo those over the past several years by Secretary of Defense Robert Gates, who has argued publicly that military power alone will not ensure victory against the terrorists. To address the imbalance in funding and capabilities between the U.S. government's military and civilian arms, Gates has called for enhancing the capabilities of other parts of government in order to "integrate and apply all of the elements of national power to problems and challenges abroad."

While a great need certainly exists for a more robust role by the civilian arms of government, the military's role itself is changing. As the counterinsurgency model continues to gain traction, the military has become increasingly focused on strengthening ties and protecting communities, as opposed to focusing more heavily on tracking down and killing enemy fighters at all costs. As Defense Department undersecretary James Clapper assessed, in analyzing the situation in Afghanistan, "[T]his is kind of built for a classic counterinsurgency kind of thing. I think we're going to win this on a village-by-village, valley-by-valley basis." While taking out high-value targets is still important, providing security locally will be critical, in Clapper's view, with "all politics being local."

The way Admiral Olson describes Special Forces operators—who are at the "tip of the spear" of U.S. government counterterrorism efforts—gives profound insights as well. Olson said that such individuals must possess not only war-fighting expertise but also "cultural knowledge and diplomacy skills." Language skills and regional knowledge are key, according to Olson, in "establishing effective relations with foreign forces, organizations, and individuals."

The State of al-Qaeda

Perhaps the most important issue factoring into the development of the Obama administration's counterterrorism strategy was the state of the threat faced by the United States and its allies. This was a subject covered in great depth during the lecture series, particularly by Richard Barrett, head of the UN al-Qaida and Taliban Monitoring Team. On the positive side of the ledger, Barrett reported that the capabilities of al-Qaeda and its affiliates have been reduced in recent years, with "fewer really competent people engaged in terrorism." Public opinion is also turning against al-Qaeda, according to Barrett, as people have come to realize that the group has little to offer, and the organization's credibility has suffered in recent years owing to an insufficient number of major attacks. DIA director Burgess agreed with this assessment, remarking that al-Qaeda's ideology is "showing signs of wear and its popularity appears to be waning," particularly with more Muslim voices "publicly challenging its tenets."

One of the major causes for concern is the growing number of U.S. citizens who are becoming radicalized.

Both Barrett and Burgess attributed al-Qaeda's decline, in part, to improved counterterrorism efforts. In Barrett's view, counterterrorism officials are much more knowledgeable about their specific targets and the broader terrorist threat than they were eight years ago. Authorities are also much better at collecting intelligence on al-Qaeda, as both human sources and technical coverage have improved dramatically. Burgess said that al-Qaeda has been compelled to "perpetually rebuild" due to U.S. and allied governments' efforts, with the DIA playing an "instrumental role in many of these successes." Undersecretary Clapper also pointed to the military's strengthened intelligence capabilities on the ground in Afghanistan. He cited, as an example of military success, the Intelligence, Surveillance, and Reconnaissance Task Force's use of unmanned aerial vehicles to "find-fix-finish" targets.

Of course, there are worrying signs as well. From the U.S. perspective, one of the major causes for concern is the growing number of U.S. citizens who are becoming radicalized and attempting to join the global jihad. Burgess highlighted the cases of Somali-Americans who have traveled to Somalia to fight with the terrorist group al-Shabab, along with cases in which other Americans traveled to Pakistan and Afghanistan to join terrorists operating there. Barrett highlighted the example of Najibullah Zazi, the young Afghan-American charged with plotting an attack in the United States, as a particularly "serious case." With the devastating November 2009 attack at Fort Hood, Texas, and the capture of several Muslim American youths in Pakistan who were reportedly trying to join al-Qaeda or the Taliban, such concerns have only continued to grow.

According to both Downing and Falkenrath, one reason that the homegrown threat is so troubling from a law enforcement perspective involves the lack of solid intelligence. Downing noted that while U.S. counterterrorism efforts have

improved greatly when it comes to information about foreign terrorist threats, homeland intelligence collection "remains inadequate," and the United States does not have either the necessary plans, or capabilities, in this area. Falkenrath admitted likewise that it was very difficult to prevent attacks by those who were not in contact with others already on the U.S. government radar.

Beyond the homeland, potential safe havens for al-Qaeda and its affiliates constitute a major concern for counterterrorism officials. As Burgess observed, al-Qaeda is "drawn to unstable and/or ungoverned territories where they fight, form bonds, draw recruits, and further develop their trade." Afghanistan is the most obvious example of such a territory, and President Obama's decision to send additional troops there was driven, in part, by a desire to prevent al-Qaeda from establishing an increasingly secure haven from which to plot further attacks against the West. Barrett pointed to Yemen as a prime example of the type of "unstable and/or ungoverned" territory described by Burgess. Due to the Saudi government's aggressive efforts, most of the kingdom's al-Qaeda supporters have relocated to Yemen, according to Barrett. With a majority of the population under age twenty-five, a worsening economy, and a heavily armed population, Yemen is, in Barrett's view, a "bit of a powder keg," with the potential to become even more explosive quickly. Somalia is often also considered an al-Qaeda safe haven, though Barrett considers the conflict there to be mainly local rather than one that will spread abroad.

Of al-Qaeda's affiliates, the Pakistan-based Lashkar-e-Taiba (LeT), the group believed to be responsible for the 2008 attack in Mumbai, may be the most dangerous. As Barrett noted, LeT has become "very, very strong." The Pakistani government, which has actually played an instrumental role in the group's rise, mistakenly believes that it "can contain them." The overall view in the government toward LeT is that "it's possibly friendly, possibly an asset." As a result, the Pakistanis still refuse to crack down on the organization. The recent arrest of a Pakistani-American living in Chicago for allegedly conducting advance surveillance for LeT, as part of the preoperational planning for the Mumbai attack, gives a sense of LeT's increasingly global reach, presence, and intentions.

Speakers in the lecture series also expressed great concern about Hizballah, which is frequently referred to as the "A-team" of terrorism. Burgess described Hizballah as a "force multiplier of Iranian state sponsorship," concluding that the group represents a "substantial transnational threat." And Hizballah's impressive performance in the 2006 war against Israel—a "tier-one regional military"—had "disturbing implications," according to Burgess. In Falkenrath's view, while al-Qaeda remains the top threat to U.S. interests, the next most serious threat comes from Hizballah, which has a proven track record of carrying out attacks overseas. Falkenrath commented that Hizballah has the capability to "inflict terrible damage on the United States, and I worry about that a lot." The fact that Hizballah has not attacked the United States to this point should not be particularly reassuring, Falkenrath noted, because the nonaction is the result of a strategic decision by the organization, not because it lacks the ability.

Speakers also expressed great concern about Hizballah, frequently referred to as the 'A-team' of terrorism.

Perhaps most troubling, however, was the threat illuminated by Ambassador Kenneth Brill, director of the National Counterproliferation Center (NCPC). Brill explained that, in an era of globalization, the weapons of mass destruction

(WMD) threat has grown exponentially. The "WMD oligopoly," in which the knowledge and means to produce WMDs resided in only a few states, is a "thing of the past." Many more states, and even nonstate actors like al-Qaeda, can acquire a wide range of capabilities "once reserved for states." Unfortunately, in Brill's view, the U.S. government has generally approached this issue as a technical one, and focused more attention on monitoring developments rather than on developing an effective strategy to counter threats. While the United States is beginning to make progress on this front, in part thanks to the NCPC's efforts, much more can still be done.

Counterradicalization

As the United States and other governments begin to develop counterradicalization strategies and programs, a central question revolves around which agencies will take the lead and play key roles in this arena. What the responsibilities of law enforcement agencies should be, both at the national and local levels, is one of the most critical and difficult debates now under way. Should agencies charged with investigating, arresting, and prosecuting suspected terrorists also attempt to play a role in halting or reversing radicalization? Or should the goals of such agencies be more limited to avoid potentially poisonous relations with local communities, which possibly could worsen the radicalization situation rather than improving it? And can proactive community policing begin to bridge the gap between these two sets of responsibilities?

A central question revolves around which agencies will take the lead and play key roles in the counter-radicalization arena.

NYPD deputy commissioner Falkenrath explained how the NYPD approaches this sensitive subject. Falkenrath observed that the NYPD's counterterrorism and intelligence branches are not involved in the department's community outreach efforts, and that this mission is left to a different bureau—one without a counterterrorism or intelligence function. The NYPD does not want to "stigmatize [its] interaction with these communities"; sending a counterterrorism-related official to engage in community outreach would send the message that "the reason we're here is we think there's a threat." Falkenrath presented a contrast between the NYPD's approach and that of British authorities. According to Falkenrath, British law enforcement's counterterrorism branches are "directly responsible for counterradicalization, and they will reach out to the communities." That said, the British have been much more effective in engaging and involving all their government agencies in counterradicalization efforts, not just law enforcement, than has the United States to this point. U.S. attempts to bring non–law enforcement agencies into community outreach have been largely unsuccessful and, as a result, the law enforcement agencies such as the FBI, the Department of Homeland Security, and the Justice Department have been left to build relations with these communities on their own.

Change in Structure

Finally, speakers underlined how much the U.S. government's national security structure has changed since the September 11 attacks. A number of the speakers represented organizations, agencies, or bureaus that did not even exist at the time of the attacks. While the establishment of the Director of National Intelligence (DNI) and the National Counterterrorism Center—both created by the

2004 Intelligence Reform Bill—are the best known organizational changes, a variety of other, more low-profile modifications have been made as well.

The NCPC, for example, was also established by the Intelligence Reform Bill, to serve as the U.S. government's mission manager on nonproliferation. The Justice Department's National Security Division (NSD) was created in 2006, as part of the Patriot Act reauthorization, based on a recommendation by the president-appointed WMD Commission (better known as the "Robb-Silberman Commission"), which released its final report in 2005. The NSD was designed to merge the various national security components within the Justice Department, and includes the counterterrorism and counterespionage sections, among others. The position of undersecretary for defense intelligence, which now plays an important liaison role between the Defense Department and the DNI, was established in March 2003 by the Defense Authorization Act. And the LAPD and NYPD counterterrorism and intelligence bureaus are also both relatively new creations. While both organizations played important roles in the FBI-led Joint Terrorism Task Force prior to September 11, they did not have their own robust, independent structures. The NYPD's intelligence division, headed by former Central Intelligence Agency official David Cohen, has developed into a particularly powerful organization, often operating independently of the FBI and the Joint Terrorism Task Force.

With counterterrorism and intelligence organizational structures still in transition, and with roles and missions still being sorted out, the Obama administration appears understandably reluctant to make any additional large-scale changes to the overall structure. Ensuring that all these issues are effectively resolved will be a real challenge for the Obama administration, particularly as the terrorist threat faced by the United States continues to rapidly evolve.

Ensuring that all these issues are effectively resolved will be a real challenge for the Obama administration.

Counterterrorism and Crime Fighting in Los Angeles

Michael Downing

October 22, 2009
Prepared Remarks

■ *Michael Downing, deputy chief, Counter-Terrorism and Criminal Intelligence Bureau, LAPD*

The twenty-first century has brought complex, global threats to the doorsteps of American police departments. These include converging threats such as terrorism, gang activity, narcotics trafficking, and organized crime—age-old problems that require new approaches in the era of globalization and sophisticated, transnational criminal networks.

The Los Angeles Police Department (LAPD) is at the forefront of a nationwide effort to evolve local police counterterrorism strategies and capabilities. We recognize that policing is not what it used to be. The police of today must be capable of both strategic and operational thinking, and they need to have the tools—intellectual, technological, and organizational—to quickly adapt to the myriad threats they face.

As threats converge, so must police strategies. The LAPD is converging community policing and counterterrorism strategies and implementing them under the guiding philosophy of intelligence-led policing. This focuses our efforts and better equips us to partner with communities in the pursuit of a safer America.

The Initiatives

The LAPD created its Counterterrorism and Criminal Intelligence Bureau (CTCIB) in 2003. It now has close to three hundred officers dedicated to counterterrorism, criminal intelligence gathering, and community mobilization efforts. It is the LAPD's goal to institutionalize the idea of counterterrorism throughout the department and the communities it serves—not to make it the priority, but a priority.

The CTCIB's mission is to prevent terrorism by effectively sharing information aimed at disrupting terrorists' operational capability and addressing the underlying causes associated with the motivational component; to protect the public and critical infrastructure by leveraging private-sector resources and hardening targets; to pursue terrorists and those criminal enterprises that support them; and to prepare the citizenry and the city government for consequences associated with terrorist operations against the city.

The following programs and capabilities demonstrate just some of the areas in which we have concentrated our efforts.

1. **Joint Regional Intelligence Center (JRIC):** Partnered with the Federal Bureau of Investigation (FBI), Department of Homeland Security (DHS), and Los Angeles Sheriff's Department (LASD) to lead this multiagency, multidisciplinary counterterrorism intelligence center. National, best-practices model. Prepares products to provide a richer terrorism threat picture to all law enforcement agencies, fire agencies, health agencies, and critical infrastructure partners in the seven-county region. Serves 166 police agencies and 18 million people.

2. **SAR:** The LAPD developed and implemented the suspicious activity reporting (SAR) process for reporting suspected terror-related incidents and tying them firmly into information-collection procedures, tracking systems, and intelligence analysis. This is considered the first program in the United States to create a national standard for terrorism-related modus operandi codes. The SAR program is an example of the convergence of skills that police have used for decades to observe traditional criminal behavior with the new behavioral indices of those associated with terrorist recruitment and the planning and execution of operations. This initiative, which fits nicely with the federal government's National Strategy for Information Sharing, is in the process of being rolled out nationally. Once SAR is institutionalized throughout the nation, local, state, and federal agencies will have a common standard for collecting, measuring, and sharing information about suspected terror-related incidents. This process has the potential to become the bread and butter of U.S. fusion centers, and it can inspire the so-called boots on the ground and the community to get involved in the counterterrorism effort.

3. **Operation Archangel:** In partnership with the DHS, the LAPD implemented Operation Archangel, which has become a national model for critical infrastructure protection. This program was recently documented in the award-winning film *Archangel: Protecting Our Freedom,* which was circulated to the country's sixty-four major cities and Congress. More than 85 percent of the critical infrastructure in the United States is privately owned. This program converged that private-sector niche with the police system.

4. **NCTA:** The LAPD piloted the National Counter-Terrorism Academy (NCTA), the first such academy created by local law enforcement for local law enforcement. During a five-month pilot program, which ended in July 2008, nearly sixty police, fire, and private security personnel from twenty-five agencies received a comprehensive overview of international and domestic terrorist threats and were aided in the development of intelligence-led policing (ILP) strategies to counter those threats in their jurisdictions. This multiagency, multidisciplinary student body served as a prime example of the convergence of various disciplines in the counterterrorism effort. The NCTA will train many more during the coming year with NCTA programs in Los Angeles and elsewhere in California. The LAPD has also formally proposed the creation of a national consortium on intelligence-led policing (NCILP) that would serve as an ILP training and education resource for state and local police departments nationwide. The NCILP would design five

Operation Archangel has become a national model for critical infrastructure protection.

separate curricula to teach state, local, and tribal law enforcement agencies how to apply ILP strategies and fuse intelligence to counter terrorism, narcotics trafficking, gangs, organized crime, and human trafficking.

5. **Hydra:** The LAPD facilitated the acquisition of a training system that tests and improves personnel's decisionmaking skills during critical incidents in a simulated environment. This will be the first Hydra system in the United States and will grant the LAPD access to the training scenarios of thirty-two other installations throughout the world. The LAPD will firmly converge its training efforts with those of major police departments in countries including Australia, Canada, and the United Kingdom.

The LAPD continues to build its capacity to collect, fuse, analyze, and disseminate strategic and operational intelligence.

6. **TLO program:** Terrorism liaison officers, or TLOs, are casting an ever-wider net to train more people in the city as public data collectors. These collectors are trained to identify and report suspicious behavior or activity that has a nexus to terrorism. This is one prong of an effort to institutionalize counterterrorism awareness in the area commands and throughout the LAPD. The ultimate goal is to seamlessly blend crime-fighting and counterterrorism efforts.

7. **Muslim forum:** The LAPD recently held its first-ever Chief's Muslim Community Forum, hosted by LAPD chief William J. Bratton. This meeting brought police and Muslim leaders from throughout the Southland together to enable the LAPD to better understand how it can protect and serve their communities. The LAPD is in the process of developing a documentary film that will highlight the diverse Muslim communities in Los Angeles, their relationships with local law enforcement, the challenges faced by both American Muslims and law enforcement, and the way forward. Community mobilization, an essential part of the crime-fighting model, is particularly important when applied to populations that may feel targeted by society or the police. One goal with the Muslim communities has been to converge their community-building efforts with the LAPD's by opening channels of communication and responding to their requests for police service.

The Capabilities

1. **Information sharing:** Working in concert with regional and federal partners in the seven counties served by the Joint Regional Intelligence Center, the LAPD continues to build its capacity to collect, fuse, analyze, and disseminate both strategic and operational intelligence. The LAPD is aligning the information collection and dissemination process with an eye toward accountability to ensure that the "first preventers" have the needed information in a timely manner. The "all crimes, all hazards" approach to this center ensures the analysts' ability to bring to light relevant trends to generate actionable intelligence. This fusion center epitomizes the model of convergence.

2. **RPPICS:** The LAPD developed a technological tool—the Regional Public and Private Infrastructure Collaboration System, or RPPICS—that

enhances communication both within the LAPD and with the private sector. This program converged technology with the goals of hardening targets and including the private sector in counterterrorism efforts.

3. **Human intelligence:** The LAPD created a human source development unit to increase its capacity to develop actionable intelligence in specific areas. That was done with an eye toward understanding the domain and what to target in that domain.

4. **Intelligence investigators:** The pioneering work of the antiterrorism intelligence section demonstrated the success of a hybrid model of cross training that equipped intelligence officers with traditional analysts' tools. The new model required that each investigative team was responsible for producing link charts, timelines, financial analysis, etc. This caused the investigators to see the criticality of analysis by identifying their own knowledge gaps and adjusting their investigations accordingly. This approach has resulted in the decreased cycle time of problem identification (terrorist indicator) to problem representation (analyzed intelligence) and the realization of investigative goals.

5. **Cyber investigations:** The LAPD has developed the capability to hunt for signs of radicalization and terrorism activities on the internet, which provides a plain-view means of identifying and gathering information on potential threats. Information gleaned from this open source, fed into the radicalization template, and combined with a thorough understanding of operational indicators is critical to articulating suspicion and justifying the increased application of enforcement measures.

In the terrorism arena, local law enforcement's main strength is its experience investigating individuals and enterprises. Investigating individuals has created a robust capacity to understand culpability and relationships and how these are linked to broader networks or enterprises. The crime-fighting model used to investigate organized crime, gang, and narcotics trafficking enterprises—their structures, the players, and their strategies—is being applied regularly to the investigation of terrorist networks.

In the terrorism arena, local law enforcement's main strength is its experience investigating individuals and enterprises.

This model casts a wide and deep law enforcement net that attempts to catch the individuals and target the larger enterprise. Resources are focused on detecting more traditional crimes such as fraud, smuggling, and tax evasion in order to assemble the puzzle pieces to understand the networks of terrorist operatives on their soil. This approach has helped law enforcement develop a richer picture of the operational environment and likely has played a significant role in preventing another attack in the United States.

American law enforcement is pushing into the intelligence-led (predictive) era of policing, which leverages its existing strengths to include:

- Powers of search, seizure of evidence, and arrest
- Community policing infrastructure
- Growing ability to manage, share, and analyze information

- Proven ability to identify and interpret suspect behaviors
- Established relationships that can carry an investigation from inception to completion

The convergence of these tried and true policing strategies applied to the terrorism problem is yielding successes. Local police, particularly those from the larger antiterrorism units like the LAPD's, are contributing to the knowledge base of their state and federal colleagues—particularly when it comes to understanding the dynamics of networks and decentralized groups.

Here is a cross section of the types of cases that have come across the LAPD's counterterrorism investigative radar.

1. **Hizballah funding case:** The arrest of a major Hizballah funding group by a task force that comprised the Drug Enforcement Administration and the LAPD working alongside the FBI illustrated the interrelation of criminal acts and the funding of terrorism, and the increasing global reach of local cases. This group raised money for Hizballah by selling narcotics. It then laundered a portion of the funds by selling counterfeit products such as clothing and cigarettes in the United States and Latin America.
2. **Black Riders case:** The Black Riders Liberation Party, a spinoff of the Black Panther Party, threatened to take over four police stations in Los Angeles and shoot and kill as many police officers as possible in furtherance of its black separatist and antigovernment agenda. Traditional policing tactics, including surveillance (using both technical and nontechnical methods), source development, search warrants, and the introduction of an informant, resulted in the arrests and the prosecution of this domestic terror group. Property recovered during the investigation included numerous large-caliber automatic and semiautomatic weapons; a military handbook on intelligence and interrogation; night vision goggles; bulletproof vests; knives; a crossbow; a police scanner; and manuals on police field operations, sniper procedures, and bioterrorism.
3. **JIS case:** This case was an excellent example of the prison radicalization process, the nexus between street-level crimes and terrorism, and how homegrown terrorists are often inspired by ideology and events overseas but have no affiliation with a larger terrorist organization. It also illustrated how local police are key to identifying terrorism suspects who would not be on the federal law enforcement radar otherwise.

   Kevin Lamar James, the leader of this cell, was a former Hoover Street Crip gang member who founded a group while in prison called Jamiat al-Islam al-Saheeh, or JIS. While serving a ten-year sentence for robbery and possession of a weapon in prison, James converted a fellow inmate who, once released in 2004, was instructed to recruit others for terrorist operations against the United States and Israel. This convert did so and, in 2005, the four-person cell actively started researching targets such as military installations, Israeli offices, and synagogues and funding their operations through a series of gas station robberies—all orchestrated by James from behind prison

Local police are contributing to the knowledge base of their state and federal colleagues, particularly in understanding the dynamics of networks.

walls. It was one of these robberies that led to the cell's discovery and capture by local police in the summer of 2005. The search warrant that resulted from the robbery of a Torrance, California, gas station led to the discovery of jihadi propaganda and the overarching conspiracy to wage war against the United States.

The four men involved were indicted in October 2006. Three of the four, including James, have pleaded guilty. The fourth was found mentally unfit to stand trial and is in a federal prison facility under psychiatric care. One of the four—the man whom James sent out to recruit others—was the first to be sentenced and received a twenty-two-year federal prison term in June 2008. During his sentencing hearing, Levar Haney Washington told the judge that the members of JIS waged war against their own country because they opposed U.S. foreign policy in the Middle East and stated that calamities affecting the Muslim world had influenced his outlook. The cell had robbed gas stations because oil is a political symbol, he said.

4. **ALF cases:** The Animal Liberation Front (ALF) is an extremist group whose members have committed arson, vandalism, and other crimes that often do not rise to the level of a federal violation—placing the group directly in the wheelhouse of local law enforcement. The leaders of this underground movement often cloak themselves in the protections of the First Amendment right to free speech. Meantime, they lead a criminal lifestyle, committing crimes such as petty theft and robbery to sustain both themselves as individuals and the larger criminal enterprise. This rejection of authority enables local law enforcement to track and ultimately catch the leadership—dirty for more pedestrian crimes such as burglaries. ALF's ultimate objective is to eliminate animal euthanasia and the use of all animals in laboratory testing in universities and science centers. In the pursuit of these objectives, elements of the group have become more violent.

5. **DMV case:** This case provides an example of a crevice criminal market—here, embedded in a trusted government institution—that provides the logistical support for lower-level crimes all the way to potential terrorism-related cases. Workers at the California Department of Motor Vehicles provided a significant number of suspects with false documents. The documents in question appeared legal in every way other than the assumed name. This enterprise is in the process of being disrupted and dismantled through traditional policing methods such as extensive investigation and utilizing sources against the targets.

The National Landscape

The LAPD's efforts are part of a broader effort on the part of local American law enforcement agencies to improve information sharing and cooperation with federal partners while bolstering their own counterterrorism capabilities.

The United States boasts more than 17 federal intelligence agencies and 17,500 state and local law enforcement agencies that employ more than 750,000 local law enforcement officers. This decentralization of law enforcement presents either an opportunity or a challenge. The outcome will be decided by how

Decentralization of law enforcement presents either an opportunity or a challenge.

effectively U.S. law enforcement agencies are able to collaborate with each other, with the private sector, with academia, and with their communities.

In the past seven years, information sharing has improved vertically, between the FBI and the nation's 17,500 state and local police departments. It has also improved horizontally, among the state and local departments themselves. This shift is critical because turf battles and the need for jurisdictional supremacy at all levels of law enforcement have led to key intelligence failures in the past. While the information flow has improved greatly, there is still much work to be done in this area.

As Washington and federal law enforcement agencies have embraced police as true partners, the local law enforcers themselves have rallied. For the first time in American law enforcement history, senior officers from every major city police intelligence unit in the nation have come together to form an Intelligence Commanders Group (ICG), part of the Major Cities Chiefs Association (MCCA). Major city police departments are those that employ more than a thousand law enforcement officers and serve a population of 500,000 or more. These sixty-four top-level intelligence commanders work in concert to share intelligence and ensure interagency cooperation.

The Way Forward

The national SAR initiative is not only vital to the information sharing environment but also institutionalizes the idea of counterterrorism efforts into our first line of defense: state and local law enforcement and the communities they serve. However, there is more work to be done. We have not taken full advantage of the type of structure we have in the United States and the level of homeland intelligence.

The FBI's intelligence efforts are still limited by its mission and case-oriented approach.

As a representative and member of the MCCA Intelligence Commanders Group, an organization that represents the sixty-four largest cities in the United States, I would offer that we have not taken full advantage of state and local law enforcement with regard to fully understanding the threat, capability, and intent of the adversary. The understanding of the threat domain is incomplete, and the efforts of state and local law enforcement relative to collecting SAR activity are not focused nor are they aligned with intelligence requirements based on the current threats or global trends. No agency knows its landscape better than local law enforcement; we were designed and built to be the eyes and ears of communities—the first preventers of terrorism. How we exploit this infrastructure and leverage this resource could complement and strengthen our country's homeland intelligence capability while at the same time safeguarding the values protected by the Constitution.

Background

The FBI has primary responsibility in the federal government for the collection of domestic intelligence pertaining to terrorism, but the bureau is not as well positioned to collect information and intelligence from our communities as state, local, and tribal police. While it works better than it used to, and despite some successes in uncovering homeland plots, the FBI's intelligence efforts are still limited by its mission and case-oriented approach. Although

intelligence about foreign terrorist threats has greatly improved, homeland intelligence collection remains inadequate. We do not have the needed homeland intelligence collection plan or capability. Federal, state, and local agencies should seize this opportunity to develop an integrated national intelligence capability to counter terrorism and protect our communities from crime.

A Call for Action

This situation calls for a revision of the national intelligence strategy based upon a comprehensive understanding of globalization, its impact on local communities, and the "information age" threats, including state-sponsored or self-organized terrorist groups, organized crime enterprises, transnational gangs, drug trafficking organizations, internet hackers, and cyber crime syndicates.

There are three dimensions to resolving this deficiency:

- Expanding the Department of Homeland Security's "national intelligence enterprise" involving the twenty-two legacy agencies by leveraging state and local law enforcement and creating a force multiplier. The fusion center infrastructure should be the hub for developing and marketing intelligence requirements or predicates based on global influence and the local landscape, and collecting on those requirements.
- Developing and marketing national intelligence requirements or predicates with enough flexibility to allow specific fusion centers to modify these requirements based on regional intelligence issues and through the existing fusion center infrastructure. This should not be misinterpreted as meaning that the Intelligence Community would be tasking intelligence collection requirements to state, local, and tribal law enforcement. Understanding the information needs of the Intelligence Community is notably different from receiving tasking.
- Developing intelligence tradecraft among state and local agencies and collecting on the specific intelligence requirements or predicates. Since there is no integrated national collection plan, and no one to define what essential information is needed or no one to guide the implementation of such a plan, capabilities are lacking and collection is haphazard. This integrated national intelligence enterprise should be "wholly owned and operated" by state, local, and tribal law enforcement, to ensure insulation from direct tasking by the Intelligence Community. The effort needs focus and state and local law enforcement resources. Once the threat domain is understood, concerted and coordinated efforts can be made to collect off of the domain and national intelligence requirements.

This situation calls for a revision of the national intelligence strategy based upon a comprehensive understanding of globalization.

Major Cities Chiefs Intelligence Commanders Group

The purpose of this group is to strengthen and coordinate the intelligence capabilities and operations of law enforcement agencies in major metropolitan areas. This can be a viable organization to support the effort of an integrated national intelligence enterprise. In the spirit of building a network to beat a network, the functions of the MCCA Intelligence Commanders Group would be as follows:

- Serve as a national forum for the discussion and analysis of intelligence issues faced by the major cities of the United States, including traditional criminal and homeland security–related intelligence activities.
- Interface with federal and international agencies to convey common intelligence policies and procedures.
- Consider proposed policies and legislation to be recommended to the MCCA.
- Develop a homeland intelligence joint-operating doctrine by which all parties—federal, state, and local—will agree to abide by the policies and procedure therein. This joint-operating doctrine would do the following:
  - Identify and examine common information sharing issues and propose common solutions for intelligence collection, analysis, and investigations.
  - Identify intelligence training needs and coordinate intelligence training opportunities for major cities that can be replicated by smaller cities and towns as they are able.

Legitimacy and Constitutionality

Legitimacy and intelligence are equally important tools for U.S. law enforcement to use in counterterrorism efforts. Legitimacy starts with an organizational knowledge and pride in operating constitutionally and within the law. The need for transparency—being perceived to be transparent and authentically honoring this principle—in intelligence and counterterrorism activities cannot be overstated. Taking great care to ensure that intelligence and enforcement operations are narrowly targeted against terrorist cells determined to go operational is critical.

The need for transparency in intelligence and counterterrorism activities cannot be overstated.

Homeland intelligence is a least intrusive and most effective method of reducing the threat of both foreign and domestic terrorist acts against homeland targets. Decentralized homeland intelligence gathering—performed by local and state authorities—not only is a most effective means of monitoring the growth of radicalism or extremism, and curbing a potential terror threat, it is far more compatible with the freedoms and privacies Americans are accustomed to. The hardware of surveillance—closed-circuit television cameras, license plate readers, "rings of steel"—that has become widespread despite a demonstrable lack of effectiveness in crime prevention or solution is less compatible with the freedoms and privacies Americans expect.

Those methods, designed to fill a gap in law enforcement capabilities, are the worst of all worlds when compared with proper intelligence gathering: they are intrusive—despite the legalistic arguments that there should be limited expectations of privacy in public spaces; they are without question damaging to the freedoms of expression and speech that are constitutionally enshrined (unless you are of the persuasion that authorities should be the uninvited guest at the party whenever they choose to join in); they fail the test of logic (can cameras and license plate readers effectively stop secret plans?); they turn on their head the value systems we hold dear because, like it or not,

their placement speaks for itself—they enshrine property and capital above human life.

Homeland intelligence gathering by local police is perhaps the most effective, economically efficient, and publicly accountable method of curbing the threats of extremism and homegrown or foreign terror plots. Homeland intelligence gathering by local or regional law enforcement is based on a deep understanding of the community policed, is targeted in nature, is overseen by police administrators who are daily held accountable to the public, is subject to advance public debate on its general parameters *and* postoperational critique of its methods and results, and—for these among many other reasons—is far less broadly intrusive into our society than a hardware-based approach.

All this is true, despite the misgivings about intelligence gathering becoming the basis of a police state. It is worth examining those genuine and well-grounded misgivings. But when they are examined, we discover that, in fact, those misgivings are misapplied when it comes to local law enforcement. They are most appropriate in our federalist system, when applied to intelligence gathering by a centralized government, usually by a single agency and one that is almost never directly accountable to the public, nor equipped with the knowledge of the local communities to do an effective job.

Our failure to implement a decentralized homeland intelligence network has not had disastrous consequences purely by dumb luck. And the successes of the FBI in the agency's case-based operations only prove the exception and make no case for a rule that would call for centralized intelligence gathering. In any case, the public would not stand for it.

Policing must be based on a convergent strategy that seeks to fight crime while creating hostile environments for terrorists.

Conclusion

Local law enforcement in America has come a long way in terms of adapting to the increasingly complex threats of today's world. However, as terrorist groups embracing asymmetric warfare tactics attempt to create a larger footprint on U.S. soil, we must not grow complacent—as a law enforcement community or as a nation.

We are often asked the question "Are we safer since September 11?" and the answer, from a law enforcement standpoint, is undoubtedly yes. The main reason for this positive appraisal is the fact that since September 11, 2001, the law enforcement community has begun working together better than ever before. This work, however, must be more integrated and coordinated with the federal government in order to increase the effectiveness and make our country even safer.

Policing must be based on a convergent strategy that seeks to fight crime and disorder while creating hostile environments for terrorists and more traditional crime. Police have the ability and the placement to recognize ordinary crime that terrorists have been known to commit in preparation for their operational attack—traffic violations, obtaining fake identification papers, smuggling, human trafficking, counterfeiting, piracy, drug trafficking, and any other criminal enterprise that intersects with the needs of terrorists.

It is the LAPD's position that police, working in cooperation with federal partners, hold the key to mitigating and ultimately defeating terrorism in the United States for the following reasons:

- Local law enforcement agencies throughout the country have the ideas and the technology to create counternetworks and to mount effective defenses and offenses.
- Police can leverage multijurisdictional, multiagency efforts to cast a redundant network of trip wires to determine whether individuals or enterprises represent an active threat that warrants investigation or enforcement action.
- Local police are designed to serve as the eyes and ears of communities—they are the best positioned to observe behaviors that have a nexus to terrorism.

This key will only work if local police continue to forge ahead in the development of innovative approaches to combat terrorism and other crimes. This "forging ahead" can only be made possible through cooperation—on a local, national, and global scale. The LAPD stands firm in its commitment to cooperate with the communities it serves and the partners it has in the United States and around the world. Only in the face of a unified front will these threats that affect all of our lands be minimized.

Only in the face of a unified front will these threats that affect all of our lands be minimized.

Al-Qaeda and Taliban Status Check: A Resurgent Threat?

Richard Barrett

September 29, 2009
Edited Transcript

I thought I would start with some general remarks about how I see al-Qaeda at the moment and then talk a little bit about some of the challenges that I think al-Qaeda faces at the moment, and then do a sort of quick survey of how al-Qaeda's doing and its affiliates are doing in the various regions of the world, and then come back to focus on Afghanistan-Pakistan, which is a sort of key area, I think, of all our interests for the future.

I think most people would agree that over the last year or two, the pace of attacks has somewhat slackened. You probably wouldn't agree if you were living in Peshawar or in Mogadishu or in Mosul, that area, but I think overall, most people would say that al-Qaeda and its affiliates have really not been able to mount the level and the quantity of attacks that they would hope to in recent months.

■ *Richard Barrett, coordinator, UN al-Qaida and Taliban Sanctions Committee Monitoring Team*

And one of the reasons for that, I think—though there are many reasons—I think one of the reasons is that counterterrorism has got a lot better. I think that the knowledge that counterterrorist officials have about their targets has improved considerably. I think their techniques of collecting that knowledge have improved considerably. I think there are many more human sources being run into the groups, and of course, the technical coverage has advanced as well. And indeed, the sophistication of counter-action has increased as well, and it's no longer sort of the Whac-a-Mole philosophy of, you see somebody who looks like a terrorist, you hit him hard and hope another one doesn't pop up too soon. It seems to have developed much more sophistication.

I think, also, in many parts of the world, the actual threat of attack is less. I think the capabilities of al-Qaeda and its affiliates have also been reduced. I think there are fewer really competent people engaged in terrorism, and I want to talk a little later about some of the people who have been killed recently, but also the nature of the new recruits to some of these groups. And I think also, the whole presentation of al-Qaeda as an international movement with groups acting in concert all over the world—that, too, has deteriorated. They've not been able to sustain that image in the short term. And most of the targets for terrorist groups are now essentially local, and they are no longer so obviously linked to some sort of global agenda.

And within—the environment within all that is happening I think is less friendly toward al-Qaeda, even in some ways hostile to al-Qaeda. Public opinion

seems definitely to have turned against it, and I'll talk later, perhaps, a little bit about what that means, how we measure that, because it's very difficult to conduct surveys in some of these countries. People don't really know about surveys, they tell the interviewer what they want to hear, often, or they tell the interviewer something that they think is safe.

So these surveys have to be treated with some caution, but nonetheless, I think that most people would agree that public opinion has gone against al-Qaeda and, indeed, its methods, too, particularly against suicide attacks, largely, perhaps, because these attacks have affected more in the local community than in the international community.

I also think it's quite interesting that most of the studies that are coming out recently—and I include Mike Jacobson's own study of terrorist dropouts in that—seem to look at people who are leaving the movement. They seem to be focusing on rehabilitation issues or deradicalization issues, and stuff like that.

Most of the studies that are coming out recently seem to look at people who are leaving the movement.

And although it's maybe wrong to draw an inference from that, I remember a story that was told to me in Canada of an Indian who was asked how he judged whether the winter was going to be severe or not. And he said, he drove around in his truck and looked to see how high the white man's woodpiles were. And I think that's the same sort of thing; you know, maybe we're making a mistake in extrapolating from the work being done on terrorists giving up to think that many are giving up, but nonetheless, there may be something there.

Of course, I'm not saying that the picture is completely clear. There are indications the other way—we just had the arrest here of Najibullah Zazi, for example, very interesting case, and we saw last month the attack on Prince Muhammad bin Nayef in Saudi Arabia, which is also, I think, a very significant issue indeed. I'll touch on it a little later. And I think that there's a reliable audience for al-Qaeda still out there. It's like a sort of failing baseball team—(laughter)—you know, they still have a lot of supporters even if they keep on losing.

But essentially, there are three main issues that al-Qaeda has to cover in order to be able to maintain and grow its support and to become more effective, and the first is all about credibility. Terrorism is about terrorizing. It's about creating fear; it's not just about attacking. But you have to mount enough attacks to make your threat seem credible. You have to show an ability and the capability and the capacity to mount attacks. You just need enough to make people worried that you might do it again.

And there have been attacks, of course, and there have been even more thwarted attacks, which comes back to my earlier point about the competence of the counterterrorist world. But all of these attacks, and even some of the—most of the—thwarted attacks have failed to meet that very, very high standard that was set by the attacks in September 2001.

And even if you look at the Mumbai attacks, which was the last TV spectacular we had from an al-Qaeda-affiliated group, it was truly horrible and very dramatic and extremely brutal, a horrible attack, but somehow it wasn't as awe-inspiring, I don't think, as the September 11 attacks.

And I think it was also slightly chaotic. I remember talking last week, or the week before, to the person from the Mumbai police who's in charge of the investigation, and he gave a picture of these people who got there—they knew that

they were going to go out and shoot a lot of people and kill a lot of people with grenades and stuff like that. And they knew what their targets were, but they didn't really have much sort of cohesion or thought beyond that.

For example, the two guys at the Mumbai train station, you remember, one of whom is now on trial, the only survivor, they were meant to get up on a gantry which overlooked the main concourse of the station. So they walked past the entrance and then they couldn't find it, and they couldn't go back, so they wandered out, they got in the cab, they left the bomb in the cab, which was also part—(unintelligible)—wandered around, got out of the cab, hid behind some bushes, then saw a police car coming, shot that up—amazing that there were six Indian policemen in that police car, and you know what Indian cars are like—so I don't think they had much opportunity to pull their guns in reply. And then they wandered back to the train station, and so on and so forth. It was all a little bit chaotic, and, unfortunately, as successful as it was largely because of the response time that was required by the Indians.

And anyway, something like Mumbai we see on TV, and we see so much violence on TV, I think that ever since September 2001, we're far more inured to violence. And I think that the bar is always being set higher and higher, whether that balance is fictional or nonfictional. So al-Qaeda has this credibility problem, they have to do something that's really quite dramatic to regain their position.

And the second thing, I think, is relevance. How relevant now is al-Qaeda to people's lives, to the lives of the people who it seeks to recruit? And the nature of the appeal made by the leadership, I think, hasn't changed enough to match its new audience. It hasn't been able to move to the next generation of supporters, the people who are much more into interactive communication, even in their use of computers and the internet and so on. It's a different world than the world that produced the supporters of the mujahedin who were fighting the Soviet Union, as it then was, in Afghanistan. It's a very different group of people.

Since September 2001, we're far more inured to violence.

And on the key issues, like the occupied territories, Israeli-Palestinian issue, yes, al-Qaeda has always talked of that as being the main reason for its violence, for its tactics. But its involvement has been minimal, and even now in its messages, in recent messages, even after the January incursion in Gaza, its messages have been, you're not going to fight this problem in Gaza, in the occupied territories, in the West Bank, in Israel. You must come over here to Pakistan and fight it here; this is where we can fight it. We can't fight it over there. Sort of defeatism there, which I think has tended to undermine its claim to relevance.

And I think we maybe could look a little bit more about the significance of the fact that the audience that it speaks to is younger than it has been. Their fighters who are being recruited to al-Qaeda in many areas of the world, particularly in Africa and in the Middle East, are between, sort of—well, late teens, late teens, I'd say, to mid-twenties; we'll say from about seventeen through to about twenty-five, something like that. That seems to be the majority of people who are being drawn into these groups.

Now, these people, when the September 11 attacks happened, you know, they were almost too young for them to have an impact. They themselves were either preteen or in their early teens, so it means that that September 11 thing,

although, yeah, it's great, it was a big attack and it was fantastically successful and all that, it didn't hit them at the time like it hit most of us.

You know, speaking for myself, I couldn't stop watching the television for replays of that to try to be able to absorb what had actually happened. It was very difficult. They didn't have that experience. And Najibullah Zazi, for example, the guy I mentioned earlier, he just turned sixteen on September 11—just the month before—maybe too young for that really to have had an impression on him, but nonetheless, of course, he may be interested in doing things that are similar.

And the younger supporters, I think, also have other problems for al-Qaeda, which is seeking to make itself relevant to the lives of these people. The younger supporters are not so knowledgeable or even so interested in religion; certainly not going to be swayed by arguments over interpretation of verses in the Quran or the meaning of some Haditha.

Similarly, I think that they are less into the broad issues—socioeconomic issues or the big-picture political issues that al-Qaeda puts forward. They have their own problems, their own local issues which really tend to make al-Qaeda's rhetoric less relevant to them than it might be.

And young people are less patient with training and instruction of any kind, and maybe less determined. There was the story some of you may have seen the other day about a group who had managed to get into Waziristan for training and then walked out. And they left because they said, well, you know, it's all about sitting there, having religious instruction, then maybe you get a bit of time playing with a Kalashnikov or something, then you hang around forever. And we all got sick and they took all our money, you know, and we got bored and fed up, so we left. You know, those aren't people who are going to be committed enough to do hours and hours of training and really plan a suicide attack.

Al-Qaeda has failed to address the whole issue of legitimacy or the justification for its acts.

And I think the al-Qaeda message—although they're very aware of some of the issues that they need to address to try to promote themselves and to regain some ground—is still very much in the sort of wagging-finger mode. You know, I think it's incredibly boring to watch Ayman al-Zawahiri wagging his finger, and now they've all started wagging their finger. Even the Usama bin Laden still, when he gave his message the other day, he was—the picture was of him with his finger up. I don't know what this is about this wagging finger that they think is so great—(laughter)—but I don't think it works.

And the third thing, apart from the credibility and relevance, I think the third issue that al-Qaeda needs to address and has failed to address is the whole issue of legitimacy or the justification for its acts. And I asked myself, if attacks on Muslims are so detrimental to the cause of al-Qaeda, why do they go on happening? I think that's a real weakness for them in their legitimacy.

You know, we saw way back in 2005, you remember that famous letter from al-Zawahiri to Abu Musab al-Zarqawi where he urged them not to be so brutal, not to attack Muslims, to focus on the enemy. And of course, al-Zarqawi didn't take any notice, and as a result, he lost a great deal of support. But if they knew that, if the leadership knew that in 2005, then why haven't they been able to impose that on their groups, on their people, like the al-Qaeda in the Islamic Maghreb or the Abu Sayyaf group and other people like that who support them?

And I think also, they have a problem with the whole business of the religious argument that they give. It's not clear where that religious argument is going. Their views on the restoration of the caliphate, for example, and stuff like that, yeah, that's all very well, but they don't have any policy beyond that. They don't say and they can't say what they're going to do the day after the foundation of the caliphate nor even what that would look like—how limited a territory the caliphate would need for reestablishment.

So it's all very vague and not very appealing, and undermines, I think, the legitimacy of their message and of their goals. They need to offer something more strategic, they need to offer something more realizable, and they need to offer something which is more appealing.

Al-Qaeda's religious argument is very vague and undermines the legitimacy of their message and their goals.

And I don't—you know, I'm not saying they need a position on health care—(laughter)—but they do need some practical sort of proposals to put forward to a public which may not vote for them—but they are seeking to act on their behalf.

And you can see the concerns of al-Qaeda reflected in some of the messages that they give out. They were very concerned since June about the election here of President Obama, and you remember his speech in Cairo in June, there was even a preemptive strike against that in a message put out by al-Qaeda.

And they are concerned about what this means, having Obama here, what it means to the message they're trying to put out about America being essentially hostile to the Muslim world. There was a message on the twenty-second of September, this is just a week ago, when al-Zawahiri said, America has come in a new hypocritical face, smiling at us but stabbing us with the same dagger that Bush used, and this very, very conscious effort to undermine Obama and to link him to Bush.

And then, rather paradoxically, he said in another effort that, in fact, Obama has no power at all, that the White House is controlled by people who come from the Israeli military, bankers' sort of lobby, you know, the sort of amorphous group that exists somewhere out there. I haven't met them yet, but I hope to. (Laughter.)

So there's some slight confusion about the message, which again, I think, undermines the legitimacy of what they're doing. And the other concern they have apart from Obama being elected here is the fact that they haven't managed to connect with a lot of people. They can't get a lot of people either into Waziristan, wherever they are, to train and to send out again, and they can't inspire people to join groups in other areas of the world.

And this, I think, is what lies behind this constant refrain you hear in the message: if you can't fight, send money. It's not just because they want your money or the money of people, but it's because they want that buy-in. If you send money to something, you're much more likely to support it. It's easier to do than if you trudge over to Waziristan and get sick, lose your money, and have to come out again.

But having said all that, I think we'd all also agree that if you look at all those Federal Bureau of Investigation sting cases in the United States over the last months, it shows just how easy it is to wind people up and get them really, you know, almost determined to do something.

We had those two cases that were reported in the *New York Times* in detail a couple of days ago—I don't remember the day, maybe it was Sunday or Monday. You know, two people who are really pretty ordinary, one a Jordanian and one an American who had converted to Islam, who both parked a truck full of explosives at the target and kept on dialing the telephone, expecting it to explode. You know, they were really; they were convinced that they were doing something that was right—in their own communities against people maybe they would even know.

And that is a real worry, that there are all these potential recruits still out there. But I think an awful lot of them need the thought being planted in their mind; they need the idea of action being given to them, and they're not initiators themselves. And therefore, I think, in this age of leaderless jihad, as has been famously referred to by Marc Sageman, there's a great need of leadership for leaders. And it's those leaders who have been really critical to the success of al-Qaeda in various parts of the world.

Al-Qaeda's obsession with its own security has also produced a weakness in the movement.

Another point I wanted to just mention in relation to the improved techniques of counterterrorism was al-Qaeda's obsession, almost, with its own security, which has also produced a weakness in the movement. They are very, very wary indeed of meeting anybody they don't know—this was the leadership I'm talking about; that they will do almost anything to deal with people at two or three removes, rather than directly. And this makes it very difficult for them to give out a coherent message, an accurate message, and also to use whatever charisma they may have to try to recruit and inspire people.

So anyway, that is sort of the few remarks I wanted to do about the general weakness of al-Qaeda and the problems they face, and now I'd like, if I may, just to give a quick swing around the world to look at how al-Qaeda's doing in various places. And I'm going to start in Southeast Asia and then I'm going to sort of move around and then loop back to the subcontinent.

I think in Southeast Asia, Jemah Islamiyah, which is the main sort of militant group there—which was born of previous militant groups, but nonetheless, became the most effective militant group in the sort of 1980s and 90s—really did inspire a whole load of people and really brought an awful lot of people to believe that violence was a possible way forward in breaking the mold, in establishing good government and in reducing Western influences.

And alongside Bashir—Abu Bakar Bashir—who is one of the key leaders of Jemah Islamiyah, there was a guy called Hambali who is now in Guantanamo Bay who was a very, very important person in trying to unite militants and inspire people who were not only in Indonesia but also in Malaysia, in the Philippines, in Singapore, and so on into a unit. And he was in very close touch with al-Qaeda leadership—he'd been up to Afghanistan, he'd even fought in Afghanistan. But in 2003, he was captured.

And I think after that you can see the al-Qaeda involvement and even interest in Southeast Asia really decline. There had been the Bali attacks in 2002, the first Bali attacks, which had reduced public support to a large extent because the reality of terrorism on their own community came home—not just fellow Muslims being killed, but also the effect on the tourist trade and various other economic consequences.

And then, I mean, it carried on, of course, the militancy in Southeast Asia, but a guy called Azahari Husin was killed in 2005, and he was a really key bomb maker. A very important man, very close to Noordin Top, and the two of them together had actually managed to keep attacks alive through much of the area, but with his death it became harder.

And then of course, on the seventeenth of this month, Top himself was topped, as we say, or was killed with three other people. That was lucky—I know the police in Indonesia had been spending a lot of time looking for him, particularly after the attacks on the Ritz-Carlton and the Marriott hotel in July, and I think they almost got him at that earlier attack on a house you remember they did, where they killed the guy who brought the bomb into the Marriott hotel, the florist.

But on the seventeenth of September, they were led to his house, very fortunately, because an alert policeman saw somebody in a market, in the local market, who was behaving rather suspiciously and tailed him back to the house and then, by getting in touch with his superiors, they put two and two together, fortunately, and reckoned that it might be some significant person there, and they did find, indeed, that it was Noordin Top.

And he was a very, very charismatic guy. He was able to raise money; he raised money locally, but also significantly from the Middle East and from Pakistan. And he was very effective, also, in marrying people in order to be able to get family alliances and places to hide and to stay. It's quite a good technique for a short time, probably. But even so, even despite his success and his success in attacks, although he declared that he was head of al-Qaeda in the Malaysian archipelago, al-Qaeda didn't recognize that, and they never formally sanctioned the title that he used. And it suggests to me that they weren't really in close touch with him, nor particularly interested in what he was doing.

The death of Noordin Top has been perhaps the last straw on the back of the Southeast Asian terrorist groups allied with al-Qaeda.

Since he's died, of course, there are other people there, other people out there in his group who are still alive who may be able to revive his movement and be able to commit some attacks, but I think the steam has gone out of it considerably, and the death of Top has been perhaps the last straw on the back of the Southeast Asian terrorist groups allied with al-Qaeda. I do want to mention, though, in the Philippines that you have this area of Mindanao, where there are still quite a lot of people who are known to be effective terrorists; some of them are well-trained bombers, and so on, and we mustn't forget that they could come back.

But as a question there, who would they join, because if Top is gone, then you are left with Abu Sayyaf group, which has become much more of a criminal movement, I think, than a terrorist movement. They typically take people—they kidnap people for ransom, and you remember they kidnapped American missionaries and even three Red Cross workers, now fortunately released.

But Abu Sayyaf group has also suffered major losses in their leadership, both in 2006 and 2007, when they lost Khadaffy Janjalani, who was a brother to the group's founder. And in 2007, they lost another guy called Abu Sulaiman, who was the likely successor to Janjalani. And then they were run, rather ironically, by a one-armed man in his seventies, which didn't seem to me to be likely to inspire a younger group to join. (Laughter.)

And indeed, they haven't been able to get a lot of local support, and it's interesting that with one of the people who was killed with Noordin Top the other day, his village refused to have him buried there because they thought that it would be a disgrace for them.

And then, beyond that, there's the Rajah Sulaiman movement in that area, which is a very interesting movement because it largely comprised Christians who converted to Islam who wanted to—if I can use the wrong phrase—be more Catholic than the Pope—(laughter)—in mounting attacks. And they were very effective because they could move into Christian areas very easily without suspicion. But in late August, their leader, Khalil Pareja, was captured by the police, and he was the brother-in-law, in fact, of the founder of the Rajah Sulaiman movement, a guy called Hilarion Santos. And so that seems to have really put an end to that.

And then of course you saw the other day, in April, that Mas Selamat Kastari, who famously squeezed through a window in a Singapore jail and escaped, was recaptured in Malaysia, and so on. So there's nobody out there, in my view, in Southeast Asia who is really capable of, in the short term, restarting a successful and worrying terrorist group. So let's hope I'm right.

If you would move on to the Middle East, I'd like to look at Saudi Arabia and Yemen, because I think they're really the key areas in the Middle East. And in Saudi Arabia, they've been hugely successful, of course, in capturing terrorists and hounding others and rehabilitating a few more. But they still have a list of eighty-five most wanted. One or two of them have given themselves up, one or two of them have been caught, but still, most of them are out there. And indeed, they announced last month that they just arrested forty-four more people to show that there are still problems in Saudi Arabia.

The determination of al-Qaeda in the Arabian Peninsula, which is now based in Yemen, is very evident.

But generally speaking, most of the Saudi Arabian al-Qaeda supporters, if they're active, have moved to Yemen. And it's in Yemen that I think that everybody is most worried about the situation, because you have the Houthi rebellion in the north, you have a separatist movement in the south, so the government is very busy in trying to deal with those problems. And of course, it's very close to Somalia as well, and a lot of spill-off from Somalia into Yemen, and indeed, in Yemen there is an armed population, in that there are apparently more weapons in Yemen than there are people.

But you have 22 million people there and you have deep poverty, a worsening economy, and a 35 percent unemployment rate; a 50 percent literacy rate; population growing at more than 3 percent annually. Oil production dropped by 40 percent over the last year, and the income of the country depends on oil to about 70 percent of government revenues. And of course you have almost a majority of people—I should think a good majority of people—who are under twenty-five.

So it's a bit of a powder keg, Yemen, and I think that the determination of al-Qaeda in the Arabian Peninsula, which is now based in Yemen, is very evident. I mean, they make a lot of slick videos; that doesn't necessarily mean a lot, but they still can make them and they can still put out a magazine every month with a lot of stories and articles about what they've been doing, so they're not bad on that front.

And the attack on Prince Muhammad bin Nayef in August, on August 27, I think, was an enormously significant attack and very, very good propaganda, although it didn't actually kill the prince. Prince Muhammad is an important figure—not only because he is Prince Nayef's son, and therefore, in some way, in line to succession to the throne. And I think he would be a popular choice if he took over from his father, if his father became king after the current King Abdullah.

But not only is Prince Muhammad a very senior royal, he's also, of course, in charge of the counterterrorism program; he's in charge of the rehabilitation program; he has taken a personal interest in the families of terrorists, and so on. He is very, very high profile, and he's also quite a modest man, and he lives relatively simply for a Saudi prince. And, therefore, he's a popular figure in the country.

The attack on Prince Muhammad bin Nayef in August was enormously significant and very, very good propaganda.

So an attack on him would not only show the reach of al-Qaeda, but also remove from Saudi Arabia one of the key people who are opposed to al-Qaeda. And that bomb, which appears to have been actually swallowed, rather than inserted in any other way into the body of the bomber, and then set off when he was sitting next to Prince Muhammad in the room—because, of course, he'd offered to give himself up.

So Prince Muhammad had sent a plane to get him from the Yemeni-Saudi border, had flown him to Jeddah—I believe that's where they were at that time. And taken him in for this audience at Iftar, after the breaking of the fast, and been sitting with him and then this guy Assiri said, oh, you need to speak to my friends because they also want to give themselves, and if they hear from you, they'll certainly come.

And the prince was on the telephone to those people in Yemen when the signal was sent to detonate the bomb that was concealed inside Assiri. And it was really very fortunate for the prince that all he did was hurt his finger, because the blast blew downward and blew upward, and not across toward the prince. And if you've seen the film, as some of you may have done, you see the guy's left arm embedded in the ceiling, so the blast must have been quite considerable, and bits of him scattered all over the room—it's a really revolting film; I wouldn't recommend it at all.

But what does this mean? Here is a guy who got on a plane, he went through at least two security checks, he would have passed a metal detector. So he could get on any plane. That technique would work on any airline anywhere, regardless of what sort of security measures there are in the airport. And this is likely to have some severe consequences: What can you do? How much protection can you provide when this is possible?

All right, you say, okay, you couldn't ignite a bomb like that with a mobile telephone if the plane was out of range—if it was high enough up, it wouldn't get a mobile signal. But it would get a Bluetooth signal and so it could be done easily by the person who is concealing the bomb and wanted to set it off himself. There must be other means as well of sending a short-range radio signal to something inside a body.

And I think that al-Qaeda in the Arabian Peninsula, although they will be—I don't know if "sad" is the right word—maybe disappointed that they didn't get Prince Muhammad, they will feel that they have got a device now which will

really scare us all, and perhaps they're right. And beyond the VIP targets that they'll go for, I think they'll also go for oil targets. They made that very clear in previous statements—that they want to attack economic targets. And, of course, by attacking economic targets, they really do attack the regime as well. And they can persuade people that attacking oil targets is attacking Western targets, is not attacking locals.

Well, elsewhere in the Middle East—I'll just mention Kuwait. I think Kuwait is very important. There were two arrests there, I think, just last week and before that, there were other arrests of people who were planning to attack the U.S. military base and an oil refinery and the state security service headquarters in Kuwait in August. But these arrests are of people who don't necessarily seem to have a great deal of capability.

More important, I think, was the stopping of two cash couriers a few months back who had tens of thousands of dollars on them, and they were trying to go through Iran to al-Qaeda. I think that's more significant because that gave further evidence that you can get money in the Gulf. You can raise money for these people relatively easily, because I'm sure that that wasn't the only, nor the first, consignment of money that people were trying to take through.

In the UAE, there seems to be a clear message to Taliban/al-Qaeda that okay, you may come here, you may have your meetings here, you may raise money here, but we draw a very firm line.

But generally speaking, I think in the Middle East, again, the regimes have got it more or less under control, except in Yemen. And the United Arab Emirates (UAE)—I think the UAE is a good example of that, because in the Emirates, there seems to be a clear message to Taliban/al-Qaeda that okay, you may come here, you may have your meetings here, you may raise money here, but we draw a very, very firm line. And if you overstep that line, we're going to hit you very hard. And they have done operations, so they have done disruptions there and things like that. And, of course, the UAE has troops in Afghanistan—we mustn't forget that. But they've managed to strike a balance—I think quite a successful balance—with al-Qaeda and Taliban in the Emirates.

Iraq/Iran, I'll touch on very, very briefly, because in Iraq, of course, we saw the decline of al-Qaeda there; it's become a sectarian group, a local group. Al-Qaeda itself is not going to have any influence on the political solutions in Iraq, and has no influence there now, really, apart from the exercise of violence, particularly around Mosul. But they're trying to stir ethnic violence, trying to make people fight about resources. It's not, I think, anything that's exclusive to al-Qaeda.

And in Iran, you have Jundallah—it's a Baloch movement, it's a separatist movement—and it's right over on the border with Afghanistan and there are stories of Jundallah and al-Qaeda working together. But Iran takes an interesting view on al-Qaeda. It sees that al-Qaeda is a threat to Iran, sees the Taliban as a threat to Iran, but at the moment, not so much of a threat that they have to worry about it considerably. They're more worried, of course, about the drugs coming through; they're more worried about what U.S. intentions may be.

And, therefore, being able to supply or support insurgent elements in Afghanistan may, for them, appear an opportunity just to keep the United States occupied and busy there. But I don't think that they would ever want to support them to the extent they might face them as neighbors. And there, they have to think about that, of course, because Taliban are getting stronger. And we can talk about that, too, if you'd like.

In Egypt—I think Egypt is, again, another powder keg. I don't know what's going to happen in Egypt; I don't think the Egyptians know what's going to happen in Egypt, either. I think it's a very, very difficult country to govern: huge poverty, vast population, and, indeed, a relatively educated middle class, which could provide leadership and, indeed, does provide leadership, of course, in the terms of the Muslim Brotherhood. But it could provide leadership to a more extreme group.

And then, if you look across to Gaza and the Palestinian territories, of course, you see Hamas being absolutely determined that al-Qaeda will have not a square inch to exploit there. And you saw the attack on Mousa Abu Marzouk in his mosque not very long ago, which showed the completely ruthless attitude of Hamas toward anyone who looked at all like supporting al-Qaeda. And I think that Hamas will continue to try to exercise that control.

And in Lebanon, you had a couple of Katyusha rockets fired into Israel from southern Lebanon earlier in this month. You know, things like that will happen; that was claimed by a group called Ziad al-Jarrah, a division of the Abdullah Azzam Brigade. It sounds very grand—probably no more than two or three people—but nonetheless Ziad al-Jarrah himself, of course, was one of the September 11 hijackers. He was the only one from Lebanon, and Abdullah Azzam was a great mentor of Usama bin Laden, and indeed of the al-Qaeda movement—many people in the al-Qaeda movement, generally, before his death in Pakistan.

Egypt is another powder keg.

And so it does suggest that there is some sort of al-Qaeda link there, and indeed, you remember Fatah al-Islam, which managed to gain quite a lot of support until it was completely destroyed—or more or less completely destroyed—by the Lebanese army last year. So the Middle East, to patch a sort of picture—Yemen is the area to worry about. The rest of it, probably, pretty much under control, though there are roots that could flourish in most of the countries there.

Moving to North Africa, al-Qaeda in the Islamic Maghreb is the most active of al-Qaeda's branches at the moment. But it has made some failures, too: it has failed to ignite support within Europe—and I think that's one of its key objectives, and it failed. It gets people sending money, it gets people sending some equipment, but it doesn't get people mounting attacks.

And that must make al-Qaeda in the Islamic Maghreb ask some questions, because Abdelmalek Droukdel, the leader of al-Qaeda in the Islamic Maghreb, has made a great effort to internationalize his struggle there. And although he has a close alliance with al-Qaeda, and he has a close alliance with al-Shabab, he hasn't actually managed to attract many people from Europe to support him, either in Algeria or outside Algeria.

He's been able to get Mauritanians; he was able to get one or two Tunisians, one or two Moroccans, Libyans, people from Mali; but he hasn't been able to get people, so far, from Europe. And, in fact, Ramadan—the last Ramadan in Algeria—was the quietest Ramadan they'd had for fifteen years.

And al-Qaeda in the Islamic Maghreb has been under tremendous pressure from the Algerian authorities and it's even quite likely, now, that Abdelmalek Droukdel will move his northern group down to the South, where it's much

easier for them to exist. If you remember, in the South you have this guy Mokhtar Belmokhtar, who has been very successful, particularly in raising money for al-Qaeda, but he was becoming independent. He was a difficult man to control and he was, in fact, opposing some of the things that the leadership of al-Qaeda in the Islamic Maghreb was proposing.

So they sent down somebody called Yahia Djouadi to take over in the southern group, but Djouadi—yeah, he's managed to exert control, but he has not managed to solve the disputes between the two groups. And they are successful there, or they remain there only because that area of Mali, Niger, Mauritania, Algeria is very, very empty, very difficult to police.

But apart from the Algerian authorities, another key thing that's happened against al-Qaeda in the Islamic Maghreb is the attitude of Mali, because Mali had an understanding with al-Qaeda in the Islamic Maghreb, until relatively recently, that they wouldn't hit them hard if al-Qaeda in the Islamic Maghreb didn't hit Mali hard, and they could hang around in northern Mali. But now the Malians have changed their view, and they've joined with the other states of the region to attack al-Qaeda in the Islamic Maghreb. And they may, between them all, be able to succeed.

And I'd like just to talk here a little about terrorism and organized crime, because the southern group of al-Qaeda in the Islamic Maghreb is very much involved with drug smuggling, smuggling cars, smuggling weapons, all sorts of other moneymaking schemes, which brings them into very close contact with traditional smugglers who have no interest in terrorism. This is true, too, in Afghanistan—for example, in Pakistan, where there's a big drug trade and a little overlap between insurgents and criminals, and in other parts of the world as well—Somalia, to a certain extent.

Another key thing that's happened against al-Qaeda in the Islamic Maghreb is the attitude of Mali.

And this is a very interesting development because, to a certain extent, drug smugglers will say to terrorists, okay, yeah, sure, we can share routes, we can do things together, we'll pay you off if you do this, and so on. But criminals don't like terrorists; they are no different from anybody else. Terrorists bring bad things: they bring lots of official scrutiny, they brings lots of police activity—much more than the criminals themselves do—and they disrupt things.

They're not secure enough; they don't know how to operate; and they've got weird ideas. And the terrorists also don't trust the criminals, because they reckon that the criminals get penetrated by the police; they can sell the terrorists out because they have different ideals and different objectives. So it's not an easy relationship, mind you, between terrorists and criminals.

And I think that in that area of Mali and Niger, Algeria, we're seeing some of these problems arise. The fact that al-Qaeda in the Islamic Maghreb has continued so long and has been so successful, I think, is also a factor—that it has been fighting since 1992, since the cancellation of the Algerian elections. That's quite a long time. It's become mature.

In Libya, I don't think very much is happening. The Libyan Islamic Fighting Group is just about to produce a four-hundred-page book on why terrorism is wrong. I hope people will read it. But they've been persuaded effectively to give up. And the rump of the Libyan Islamic Fighting Group, which is still out there, is allied to al-Qaeda but it's not doing very much.

And turning to Somalia, in the UN General Assembly last week, I heard the Ethiopian foreign minister say it's time that we abandon the fiction that this is a war just among Somalis. It is not. And he said Sudan could be the next domino. And he said Somalia is being hijacked by foreign fighters who have no inhibition in proclaiming that their agenda has nothing to do with Somalia.

Well, okay, but I know the al-Shabab has declared its allegiance to al-Qaeda and to Usama bin Laden in particular. That was a very nice video in August of everyone dancing and chanting; at your service, Usama. Sounds like something advertised in the Hyatt Regency, or something. (Laughter.) But anyway, I'm sure that they do support Usama bin Laden. But there's no formal alliance between the two.

And I think that the Somali battle still remains a very local one. Somalia's a very tribal place. And although there are Americans there—and we've seen, now, I think, two of them kill themselves in attacks—one, in fact, in the attack on the African Union peacekeepers the other day—they were of Somali origin, and all the people in Somalia who are fighting who are from elsewhere are either from neighboring countries, the vast majority are from neighboring countries, or some from Somali communities overseas.

I don't think we can ignore the threats that al-Shabab has made against Kenya.

And although, yes, people are being found to be going back from Somalia into Europe, I don't know yet whether there are people going back into Europe because they're fed up with being in Somalia, or whether they're going back with an idea to mount attacks. And I think and I hope that it's the former. We saw the plot in Australia that was disrupted, where they'd been in touch with an imam in Somalia for advice. They were Somali-origin people in Australia. And there was some suggestion that it was being directed from Somalia. But I'm not sure that that was true.

And when we think that Saleh Ali Saleh Nabhan, a guy who was involved in the attacks in Mombasa, Kenya, in 2002 against the Paradise Hotel there, who was killed in September by that helicopter attack by U.S. forces in southern Somalia—he was also, I think, partly responsible for the 1998 bombings at the U.S. embassies in Kenya and Tanzania. He's been taken out. And other leaders of al-Shabab have been taken out, like Ayro, the leader of the movement who was killed in May of last year.

I don't think there are very strong leaders left to try to not only keep the fighting going in Somalia, but also to have a plan for mounting attacks elsewhere. And I think it remains quite a local problem. Having said that, though, I don't think we can ignore the threats that al-Shabab has made against Kenya. And, indeed, I think it was this month, even, that the Kenyan police disrupted a five-member cell in Nairobi, which was planning attacks on two hotels and a bus station during Hillary Clinton's visit there, including the hotel that she was scheduled to stay in. And the attackers were meant to be coming in from Somalia to join them. So that, at least, showed some capability, perhaps.

And you have to think, in Europe, of course, there's a great many Somalis living there. I think there are 250,000 in the UK, for example. And so you don't need very many to form a group, and there's a possibility that they could do something. But I don't think—as I say, again—that it's directed from Somalia.

Turning to Europe more generally, in Germany we've seen now, I think, three videos in very short succession threatening Germany—two by the Islamic Jihad Union and one by Usama bin Laden. And I guess they have to be taken seriously, but I think this is like Madrid in 2004—there was some attempt to influence the elections. Well, the elections didn't go al-Qaeda's way because Angela Merkel is going to remain as chancellor and, therefore, I guess that German troops will remain in Afghanistan.

And so al-Qaeda really is on the plate—they've got to perform; they've got to commit an attack. They've said they will, so they've got to do it. If they don't, then I think they lose even more credibility. And they have, certainly, operatives who are capable of mounting attacks, like this guy we've all seen on the videos recently—Bekkay Harrach, aka Abu Talha al-Almani.

Turkey, of course, has been quite successful at disrupting groups, but it has had its share of people who have been radicalized and arrested.

But I don't know, the Germans are divided. Some of them think, yes, there's a risk but probably no more than there was a couple of months ago. So I don't know. And they just disrupted a group, I think, just yesterday, if I remember rightly, that was possibly going to plan some attacks. So they may get some intelligence from that.

Well, Turkey—yes, a good friend of mine from Turkey is here, and I'd just like to mention Turkey because part of the appeal to Germany has also been in Turkish—to Turkish people working in Germany. And some of that may spin off into Turkey. Turkey, of course, has been quite successful at disrupting groups, but it's close to Syria; it's close to Iraq; it's close to Iran—has borders with all of those.

And it has had its share of people who have been radicalized and been arrested. In Diyarbakır, for example, there was a small group arrested not so very long ago. And we don't forget so readily the bombings in Istanbul in 2003 and the general fear in Turkey that more terrorism could erupt because of the situation in the neighborhood.

And certainly, I've heard stories of more Turks now going to the Caucasus. And the Caucasus is an area where al-Qaeda may be engaging more. There was a death recently of Dr. Muhammad, an Algerian who was a very significant militant there with [the] Chechens. He was killed at the end of August. But since then, there have been more stories about both Arabs going in there, Turks going in there, and more money going in there as well, so it'd be something to watch.

Well, that brings me back to briefly touch the United States, and we talked about Najibullah Zazi—a very interesting case. It really does look like a serious case, but I don't know as much as probably some of you do. And I think if he isn't anything to do with terrorism, as it turns out, it'll be a big propaganda coup for the terrorists, because it looks to many as if he will, and many people won't believe it if the story is that he's not. And so in the United States, it's still clear that there is a risk. Of how big that risk is, what people should do about it, is harder to say, I think, at this stage.

I'm going to go to South Asia because I think I've taken quite a long time to get this far. If I could just talk a little bit about Afghanistan and al-Qaeda, the link between al-Qaeda and the Afghan Taliban is a historic one but not a very strong one, in my view. The Afghan Taliban have their own objectives. And their objectives are to take power in Afghanistan. Essentially, it's a local issue for them.

Al-Qaeda can join the party; fine, they can help them, but to a certain extent, al-Qaeda doesn't help them because if—and I think Mullah Omar's made this very clear—if they take over in Afghanistan, they want to consolidate their power. They don't want to be kicked out again like they were in 2001. And to consolidate their power, they don't want al-Qaeda hanging around. They want to be able to say we are a responsible government; we're not going to support anybody who meddles in the business of our neighbors or in other international countries or partners.

Well, you might say, well, they'd say that anyway; why wouldn't they—why shouldn't they say that? But I don't think they lose a lot if they don't say that. They don't gain a lot by saying it and they don't lose a lot by not saying it. So I think that we could possibly think that we might take them at face value—that they would not automatically allow Afghanistan to become a base for al-Qaeda.

And it's very interesting to compare the Afghan Taliban with the Pakistani Taliban. The Afghan Taliban and the Pakistani Taliban have a completely different attitude toward al-Qaeda and toward, indeed, of course, the Pakistan government. Although they both may see American and other international forces in Afghanistan as a target, the Afghan Taliban has always had a very close relationship with the Pakistan government, and they don't like the way that the Pakistani Taliban has been fighting the Pakistan government and causing a whole load of problems there.

And I think that the Pakistan government would look at the Afghan Taliban as a way to try to control the Pakistani Taliban. They would say, look, they all look up to Mullah Omar; they all call Mullah Omar "the great leader," and all that sort of thing. Well, why doesn't Mullah Omar then tell them to keep quiet and just stay in their tribal areas where we're not so bothered about them? And I think the Afghan Taliban probably responds to that—responds to the contact, I'm sure, going on between the Pakistan government and them about trying to contain the Pakistani Taliban.

The Haqqani group is one to watch because it's not quite clear what its long-term objectives are.

But in Pakistan, you have also the Haqqani group, which I think is a very significant group because it's also very close to al-Qaeda, as well as to the Afghan Taliban. And I think the Haqqani group is one to watch because it's not quite clear what their long-term objectives are—whether they just want some local power and authority or whether they want to pursue a bigger agenda, which will bring them into conflict either with the Afghan Taliban or with the Pakistan government. At the moment, the Pakistan government is not doing anything against them, particularly.

So I think that that area of Afghanistan-Pakistan is one that has to be watched, of course, extremely closely not just because of the Taliban, not just because of al-Qaeda, which is trying to solidify its alliance with the Pakistani Taliban so that it has a proper base there—it doesn't have to rely on Afghanistan for its base, it has a base in Pakistan from which it can plan and operate. And that means that it has to leverage its sophistication, its ability to plan attacks, and so on, with the Pakistani Taliban.

But also because of the Punjab groups there—Lashkar-e-Taiba, in particular, responsible for the Mumbai bombings—and other groups that have been active in the Punjab. They draw their strength from the tribal areas—the Northwest

Frontier Province—but their objectives are much more focused on Islamabad and the future of Pakistan.

And I think that they have gotten very, very strong. And I know that the Pakistan government still thinks that they can contain them somewhere. I noticed that Hafiz Saeed, who's the head of the Lashkar-e-Taiba, was just recently at a function at the headquarters of the army's 10th Corps in Rawalpindi. And the 10th Corps, of course, is the army corps responsible for Kashmir.

And so the attitude toward Lashkar-e-Taiba is still that it's possibly friendly, possibly an asset. And we can't say that what the 10th Corps does, the rest of the army or the Inter-Services Intelligence (ISI) wouldn't do. The Pakistan army is a very disciplined body, and that includes the ISI. So I think that that is something that we have to watch out for very carefully, indeed—the influence of the Punjab groups.

I'm going to finish there to allow some time for questions. But I'd just like to go back to say that, all in all, I think al-Qaeda is weaker. I think a lot of its future depends on what happens in Pakistan. I think its local groups will continue, but they are very dependent on leadership. And I think that there's still a big, big problem for al-Qaeda in its loss of credibility, its loss of relevance, its loss of legitimacy, and, indeed, in its loss of operational capability. Thank you. (Applause.)

Something that we have to watch out for very carefully is the influence of the Punjab groups.

Levitt: I'll take the moderator's prerogative to ask the first question, but before I do, we'll ask—we have a little over a half an hour for questions. Please just raise your hand in a little al-Zawahiri finger-waving kind of way—(laughter)—and we'll make eye contact and I'll see you and we'll get to as many people as possible. And we'll try to keep the questions short—shorter than mine is already—and maybe the answers as well.

Richard, I'll ask you a two-part question, first because I and some others here at the Institute are finishing a study on the groups in the Gaza Strip in particular that claim al-Qaeda affiliation, none of which really actually has al-Qaeda affiliation, what they are and what they are not. And, as part of that, one of the things that we've been looking at is this delta that you describe between the prominence that the Israeli-Palestinian conflict holds in al-Qaeda's rhetoric, its fundraising propaganda, compared to the almost complete lack of attacks against Israeli targets—there are a few—and how do we explain that? What's your perspective on that?

The other half of the question is that, with this incredible geographic review that we just did, the one country we didn't really focus on in the Middle East is Syria. And I'd suggest that maybe there is a tie-in to the terrorism–organized crime issue that you mentioned in that, again, according to a study we did here not so long ago, many of the foreign-fighter smuggling networks that exist, especially on the border area of eastern Syria, are relying on preexisting smuggling networks—they are not terrorist smuggling primarily. And what type of options perhaps does that put on the table when you look at this from your perch at the UN in terms of our ability to make headway, especially after the recent attack in which the Iraqi foreign minister pointed a finger, again, al-Zawahiri style, at Syria?

Barrett: Thank you. On the Israeli-Palestinian issue, yes, it has been a central theme for al-Qaeda from the very start, and that's understandable that it would be. It would be ridiculous for them to ignore that. But I think the lack of capability there is the result of attitudes within the occupied territories and within Gaza in particular. I think that there is a possibility that al-Qaeda could outdo Hamas, you know, and could be more militant perhaps than Hamas if Hamas started to really negotiate and sit down with partners, whether they were other Palestinian partners or, through the Egyptians perhaps, the Israelis.

But I think that until Hamas looks sort of more moderate or looks as though it's failing to local Palestinians, then al-Qaeda will find it hard, and I think the lessons learned by the destruction of the mosque the other day are pretty clear to anybody who tries. It's not to say there aren't groups there, but they're not very strong.

And in Syria, yes, I saw the Iraqi accusations toward Syria about helping people in particular to do those two big truck bombs in Baghdad that—I think generally people don't think that that was necessarily the group that's based in Syria because I think that the Iraqi government was trying to point the finger at Baathists, ex-Baathists, rather than at al-Qaeda.

But I think the Syrians—I mean, a lot of people are coming through Syria, but the Syrians, again, I think, will be careful not to allow too much support for al-Qaeda to grow within Syria itself. Again, we want very close control over it. And they didn't make a big fuss, of course, when the American Special Forces went in to knock out that cell of smugglers. Was it already last year?

Until Hamas looks more moderate or looks as though it's failing to local Palestinians, al-Qaeda will find it hard to make inroads there.

Participant: Yeah. That happened when you and I were both in the Gulf.

Participant: I understand the Pakistani army's support for the Taliban to keep the Indians out of Afghanistan and so forth, but it seems so counterproductive at this point. I'm wondering if there's just like a man tightening the noose around his own neck.

I was just wondering if there are any elements within the Pakistani military or elsewhere in the government that are trying to change that situation or if you see any signs of change coming.

Barrett: I think that's a very good question. I think that there is undoubtedly an obsession in Pakistan about India—and it goes back a long, long way; it goes back sixty years, of course—and an obsession also about Kashmir. All the water consumed in Pakistan comes from Kashmir, so they're particularly interested in Kashmir. But also there is sort of an obsessional feeling about it.

And I think the Pakistani army looks at Afghanistan and says, okay, yeah, the Americans are still there but already we hear this talk in Washington about possible withdrawals, or maybe they'll increase the troop numbers; maybe they'll reduce the troop numbers. It's all uncertain.

And I think they must reckon that it's not going to go on forever, the American presence there, and therefore they have to prepare for a future without the American forces, which means they prepare for a future with the Taliban.

So it's very important they keep the Taliban and they stop India becoming an opportunity for—sorry, India finding an opportunity in Afghanistan or, more

worrying for them, in Balochistan, where there's, first of all, people who are opposed to the Pakistani government and also a great many unexploited natural resources—a very important area to Pakistan.

So they look at all those factors and they think, okay, we've got some inconvenience here with the Pakistani Taliban, with the Haqqani group maybe, with Lashkar-e-Taiba and other groups like that. But essentially we're all looking at the same thing. None of us wants India being dominant in this area, and essentially we all want the foreigners to go so we can sort it out between us.

So I think there—I think you can detect consistency within the Indian army position. I know there are people in this room who know a lot more about the, sorry, Pakistani army than I do. But I think it's consistent that they not only want to believe but they need to believe that they can control the Haqqani group, they can control the Punjabi groups, that ultimately the Pakistani Taliban can just sit in their areas and they can do whatever they like so long as they don't come any closer.

There is absolutely no way, in my view, that the Pakistani army was ever going to go into Waziristan. It won't go into Waziristan and it never was going to go into Waziristan. It will go into Swat and try to recover areas of that, but even that is proving very, very difficult. You know, beyond Malik Khan, I don't think they've managed to really make a lot of—well, you know, up in the north of Swat they haven't made a lot of progress.

The Pakistani army needs to believe that they can control the Haqqani and Punjabi groups.

So I think that the—you know, they—I mean, this very, very senior general said to me not very long ago, said, well, it's all very well your saying we've got to take on all these people; what happens if we lose? And I thought that that was a very interesting comment that he made.

I think the possibility for them of taking on people in their own countries—so sort of almost a civil war—and not coming out clearly victorious, which they couldn't because of the nature of the terrain, I think that would be a real worry for them and they would then reckon that they look to India as even weaker.

Josh Meyer, Los Angeles Times: You said that the Zazi case was very interesting, and I wanted to just get some more of your thoughts on that, including what the pipeline is that you—what you know of the pipeline, if any, from the United States and, to a lesser degree, Europe into the camps. I mean, do they have any facilitators here who are sort of helping nudge people in that direction or are these people who are just going on their own? How many people are there?

The affidavit said that Zazi went with others. So I'm just curious as to if you can enlighten us with anything about that. Thanks.

Barrett: Well, I wish I could give you some detail. It would be really interesting to know the answer to those. But we do know that the people are trying to go into Waziristan and to other areas on the Afghanistan-Pakistan border for training, and many are succeeding in doing that. And the exact numbers I don't know.

The Pakistanis picked up a group of seven the other day. There were some Swedes and some Turks and some—and a Russian and even a Pakistani ex-military officer, I think, in that group that they had been looking for since 2001.

So, you know, there are groups moving in and out, and probably I'm sure from here indeed Zazi is a case in point. And from the UK—I don't know if Rob can tell us how many people from the UK go and visit relatives in Pakistan every year but it's probably hundreds of thousands. You know, it may be 400,000 I think was the figure I had, but 400,000 people.

So within 400,000 people going into that area from one country—admittedly the UK is a special case—you're bound to have lots of opportunity for people peeling off to do training and stuff like that.

But I think that the key success of the security services generally has been to break the link or make it very hard for supporters to link up with the leadership, even if they do go to Waziristan. So they come back again; yeah, they've got some training. Maybe they've got a little more motivation, but there isn't that linkage which can turn them into an effective cell.

And if you think back to the London bombers of 2005, who were a very effective cell, very normal, very effective, I think the likelihood of that happening again is less because of the security concerns of the leadership in the Afghanistan-Pakistan area and the difficulties of making contact by their supporters. I hope that's true.

People are trying to go into Waziristan and to other areas on the Afghanistan-Pakistan border for training, and many are succeeding.

Mary Louise Kelly, National Public Radio: You mentioned that in the last year, counterterrorism analysts have gotten much more knowledgeable about al-Qaeda, that the intelligence is better. Given that this has been a top priority for Western intelligence agencies for years and years, why has it gotten better in the last year? What's changed?

Barrett: Well, I think we all learn from mistakes, whether you're al-Qaeda or whether you're counterterrorists. And I think certainly the understanding of—well, it takes time to develop human sources anyway. It takes a long time. And that, I think, has now begun to produce good results.

And I think also, as the technical coverage has improved, al-Qaeda has tried to stop using mobiles and tried to, you know, shut down mobile transmission towers in Afghanistan and Pakistan and so on, but nonetheless they have to communicate and it still remains a great weakness.

Indira Lakshmanan, Bloomberg News: I'd like to ask you about the terrorist financing part of this, and if you could give us an update on specifically which sanctions that you've focused against al-Qaeda and the Taliban have worked and which haven't, and do you have any new sanctions or plans coming down the pike?

And also, with this report that just came out over the weekend from the *Washington Post* saying that most of the Taliban's financing is coming from overseas donations and not from opium, as had been reported a year ago by the UN Office on Drugs and Crime, could you comment on that? How is it possible to cut off the sources of financing for al-Qaeda and Taliban? Thanks.

Barrett: Well, it's a very important issue. And I did think that they were having a lot more from drugs than they are getting. But I told you in Afghanistan

and Pakistan that about 20 to 30 percent of their income is coming from drugs. Now, that's still a lot of money. That's still going to be maybe around $60, $70 million. It's a lot of money.

But the Gulf donors are increasingly important to them again and that means that there are effective ways not only of raising money there but also of transporting it. And some of that money—I don't necessarily discount the possibility that some of that money may be coming from drug dealers who are based in the Gulf, and so it's still drug money in a sense, but it sounds less likely. So I think that the sanctions have worked to a certain extent but obviously not to the extent of being able to cut off all the funds that are going there.

I think the new sanctions are not so much new sanctions as getting the right people sanctioned, so that identifying the people in the Gulf, either who are channeling the money, who are providing the money, and sanctioning them, that's the sensible thing to do, people who have visible assets.

Participant: The debate here in Washington about whether to have more troops or fewer troops or the same number of troops in Afghanistan: one of the issues that has come up is the argument of whether, if the United States reduces its number of troops, it would allow al-Qaeda to reenter Afghanistan, and particularly the cities, and set up their training camps once again, and that would be very bad.

On the other hand, as you pointed out, there are training camps already there in Pakistan and there are opportunities in places—in Yemen and Somalia, among other places. So what is your view about how important it is to keep the Taliban from controlling Afghanistan?

I note that you've mentioned that there are two Talibans and the one that could take power might not be so friendly, but I'd like to hear your comments on that argument that it's important that al-Qaeda not be given an opportunity to return to Afghanistan.

The new sanctions are not so much new sanctions as getting the right people sanctioned.

Barrett: Well, as I say, I'm not sure that if the Taliban took over in Afghanistan that they would necessarily welcome al-Qaeda back in great forces, particularly if al-Qaeda was going back there to set up camps to train people to mount attacks against other countries.

I think the Taliban must calculate that had it not been for the September 11 attacks, they'd still be in power in Kabul now today, that no one would have come to kick them out. It was only September 11 that caused them to lose power. So, you know, they lost all that time, and if they get back, they perhaps don't want to make that same mistake again.

And al-Qaeda, I think, has made the calculation that if they're to place their chips on the table, they're not going to put them on the Afghan Taliban; they're going to put them on the Pakistani Taliban because the Pakistani Taliban—you know, first of all, the American troops aren't going to move in there, they assume. Yes, they face the problem of drones and stuff like that, but they can live there; they can establish there. They've been there for twenty years and more and they know the ground and they know the people.

So I think that if more troops are going to go into Afghanistan, then it has to be very clear what they're there to do. And if the objective of the American

administration is to defeat al-Qaeda by having troops in Afghanistan, then that correlation between working in Afghanistan and dealing with al-Qaeda, which is essentially outside Afghanistan, you know, there has to be some understanding of how those two issues affect one another.

Participant: I thought that was fascinating, Richard, and I just wanted to ask you: in Pakistan, the assassination of Baitullah Mehsud recently, what difference do you think that's made to the Pakistani Taliban?

And the other question that I had for you was related to Britain, where we've obviously had a lot of plots that have been foiled. I know you talked about being able to reduce or cut the linkages between people going from Britain, being trained, and then linkages with their leaders, but is any headway being made in actually stopping recruitment of people in the first place?

Since the death of Baitullah Mehsud, there has been a great deal of infighting among the Taliban, even among the Mehsud tribe itself.

Barrett: On the death of Baitullah Mehsud: I think it has a great effect. He was killed on the fifth of August, I think, and had managed to bring together some seventeen different groups under one flag of Tehrik Taliban, of Pakistani Taliban. It was very, very successful, very unusual for anyone to bring all the tribes together. And the Mehsud tribe is not necessarily the most dominant in that area, so it was able to spread its influence quite far.

And we have seen, since the death of Baitullah Mehsud, that there has been a great deal of infighting among the Taliban, even among the Mehsud tribe itself. Most of Mehsud's in-laws are being killed now because—partly because they thought they had given up Baitullah Mehsud, they tipped off Pakistani military intelligence as to where he was, which resulted in the attack, but partly also as a power play, you know, sort of some Shakespearean tragedy here with all—well, not particularly tragic, in my view—(laughter)—but with all these people being killed.

And Hakimullah Mehsud, who may be in charge now—you know, he is reported to be in charge but mainly by himself—he is a complete hothead. He's a nut case. And he's not a Baitullah Mehsud. I don't think he's going to be careful in the way that he moves the Taliban forward in attacks.

And Waliur Rehman, if that's his name—you know, the sort of co-leader of the Pakistani Taliban—he's much cooler and much more sensible and much more dangerous, but he's much less close to al-Qaeda. So al-Qaeda was stepping in trying to promote Hakimullah Mehsud as their man, but Hakimullah Mehsud is not Baitullah Mehsud. So I think it has created a problem, and there's lots of differences there which will continue to bubble.

And on the UK thing just very briefly because I don't know a lot about it, but I think that the UK does seem to have broken these linkages. It reduced the threat level, you saw last month, I think, or the month before, from the top level to the second-top level.

It's still very high, of course, but nonetheless they were able to draw it down because I think they saw that there were a lot of wannabes but they haven't been able to make these connections, and therefore they work in the community within the UK. Work in Pakistan had shown that there was—you know, people were trying; they weren't succeeding.

Participant: Given that Mullah Omar's Shura is located in Balochistan, I'm wondering if there is any nexus or connection between Mullah Omar's Taliban or even al-Qaeda and some of the Baloch separatist groups. I mean, are they able to co-opt any of the Baloch separatist groups that are operating there?

Barrett: Well, I haven't seen that. Others here may have seen that but—and, of course, Mullah Omar is in Balochistan; Quetta is in Balochistan. The Baloch groups, though—the Pakistani authorities don't like the Baloch groups, and I think that, therefore, the idea of Mullah Omar supporting the Baloch groups against the wishes of the Pakistani authorities suggests to me that probably he wouldn't do it; he wouldn't see an advantage in that.

You know, Balochistan spreads through Afghanistan into Iran as well, but I think the Pakistani Baloch groups are rarely looking at their area for independence, so it wouldn't be in Mullah Omar's interest to support them.

There is no agreement at the UN, of course, as to what terrorism is. There is no definition of terrorism.

Mike Kraft, former senior advisor, Office of the Coordinator for Counterterrorism, Department of State: Thanks very much for your overview. We've talked before with Alistair Miller's group. I'm curious—you gave a good overview. You didn't really talk much about the UN's activities. And I'm wondering what your current priorities are.

How would you assess the UN's efforts, especially getting other countries to strengthen their laws and capabilities? Where do you think your greatest progress has been in improving counterterrorism capabilities, where the weaknesses are?

And finally, just a point of history. I think al-Qaeda's emphasis really was primarily on getting Americans and Westerners out of Saudi Arabia, and so the Iraq invasion, and then we withdrew our air force after we needed it. But anyway, I'm primarily interested in your assessment of the UN efforts right now.

Barrett: It's very important, the UN's involvement in counterterrorism. There is no agreement at the UN, of course, as to what terrorism is. There is no definition of terrorism, but there is an agreement that al-Qaeda and its affiliates are (a) terrorists and (b) beyond support. They can't—no nation supports them.

And, therefore, we have in the UN a regime directed against al-Qaeda and its affiliates, including the Taliban, which is supported by all countries and to a certain extent is effective, even if only in a symbolic way of announcing that condemnation, that international condemnation of al-Qaeda and the Taliban.

In a practical sense, we have the sanctions that were mentioned earlier, and the sanctions can work. The fact that people challenge the sanctions suggests that they are being hurt by the sanctions, and so, you know, they're not negligible if people have their assets frozen and can't travel and so on.

But it does depend on the active cooperation of all countries, and countries have different priorities. Some of them see al-Qaeda as extremely important. Others may say it's very remote from us; it's much more a Western issue or a Northern issue, perhaps if they're from the global South, and not one that we have actually the resources to devote to it.

And so the UN, I think it's important to go around to all those countries and explain that an attack on one country does lead to consequences for another.

And, indeed, if you have —I noticed, incidentally, that when they killed Noordin Top, Moody's index for Indonesia rose considerably.

There are real economic consequences of attacks and of counterterrorist activity as well, and the UN can explain that to countries. And I think the UN has managed to build a good consensus against al-Qaeda-related terrorism and, as you referred to earlier yourself in your question, has also managed to encourage countries to introduce their own legislation, which helps them to counter terrorism.

Participant: You briefly touched the Iran side and the Jundallah connection with Taliban and other insurgent groups there, the possibility, but also Iran's relationship with other insurgent groups in Afghanistan and Pakistan, despite the ideological differences between the Shiites and Sunnis.

My question is that recently there have been a lot of assassinations in Iran and Kurdistan, and Iran in particular, and these assassinations have to do with the religious figures affiliated with the groups. I don't know how aware you are of these recent events in Iran, but apparently here are Sunni groups related to Wahhabi or Salafi groups who are active in the Sunni areas of Iran and Kurdistan and they have been engaging in these terrorist activities, or assassinations of government officials, especially religious officials.

And I just want to know, like, do you think that probably the recent events in Iran and especially the volatility of the regime following the elections and the unrest that has happened in Iran has to do with these surges or increases in activities of Sunni groups, or is it something that probably the government of Iran is staging itself and trying to show that it's fighting, you know, its own war on terror and so on, on its own turf.

So I just want some clarification in that regard if you have any information. Thank you.

The way the Iranians play things in the region is extremely sophisticated.

Barrett: Well, I won't presume to answer all of that because I don't know enough about it, but of course Iran is a very big player in the region and very scary for countries like Saudi Arabia and other countries which have resources and are powerful too.

And Iran—a nuclear Iran would, of course, be even more scary for those countries. And everyone in those countries is used to sort of trying to muck about in some way with their neighbors. It's a tradition that goes back a long way. And I think that the possibilities of what you say may exist, but I couldn't possibly say whether they are fact or not.

And I think that—you know, I think Iran is a fascinating country and a very admirable country in many ways—of course for its culture, its people, and so on—and I think that the Iranian—the way the Iranians play things in the region is extremely sophisticated and one shouldn't underestimate the degree of sophistication but also the possibility of making a complete muck-up, the same as all countries.

Aaron Patterson, Black Watch Global: I enjoyed hearing you paint the picture. It's very rosy. Given this rosiness, what do you think is the best strategy

forward, and what will be—what tools will be our best friends going forward to counter al-Qaeda?

Barrett: Well, I think that—yeah, the tools that have proved to be the best friends so far, I think, are the intelligence tools. I think that the understanding of the problem and being able to deal with it in a richer context than just sending military in has been enormously important for the success that's been had.

But also, of course, public opinion is incredibly important, and the more that we do things to undermine the messaging of al-Qaeda, the better. You know, the more we can undermine its sort of credibility and relevance and legitimacy, which are the three pillars I see it resting on, the better. And one can do that through actions, political actions, also by propaganda, of course, but lots of other ways.

But those two things: understanding the issue and finding ways to increase or decrease support for al-Qaeda, increase the support for countermeasures, I think, is very important.

And I just want to say on that, if I may very briefly, that all these surveys which show that al-Qaeda's popularity is dropping in Muslim-majority countries don't show any comparable drop necessarily in anti-Americanism.

Anti-Americanism and support for al-Qaeda do not go hand in hand. You can still be very anti-American and not support al-Qaeda, or possibly the other way too; I don't know. But we shouldn't overlook that importance of public opinion.

The tools that have proved to be the best friends so far are the intelligence tools.

Levitt: Okay, we only have a few minutes left and I see three questions left, so, Richard, if it's okay with you, let's take all three questions and we can jot them down and answer them all together.

Simon Henderson, The Washington Institute: You started off talking about Mumbai and saying it didn't have much impact. Well, of course it didn't have much impact because it wasn't in Europe or the United States and turned out not to involve very many Europeans or Americans, and it was about the curious issue of Kashmir, a word which you didn't mention until the last two minutes of your appraisal.

I was wondering if you think—you went around the world and it would seem to me that the issues aren't key issues; they are parochial issues of different countries, and therefore I was also going to ask you whether there's a validity in this and whether also what used to be the key aspect of Usama bin Laden versus the world, which was his view of Islam, was more correct than anybody else's and in particular the custodian of the Two Holy Places, aka the king of Saudi Arabia—whether that issue over the leadership of Islam has faded completely as well.

Participant: In Afghanistan and Pakistan, in addition to cooperating with groups such as the Haqqanis, Lashkar-e-Taiba, do you see direct action from al-Qaeda? There has been some in the past; do you see more in the future, or more as a facilitator, introducer of techniques, similar support rather than participation?

Ali al-Ahmed, The Gulf Institute: Richard Holbrooke refused to name countries that are the prime source of Taliban funding. I assume he was talking about primarily Saudi Arabia, which, eight years after September 11, continues to produce a lot of terrorists and as a source of funding for al-Qaeda from Saudi and Pakistani and Afghan expatriates in Saudi Arabia.

What has—why is that? Why has not the United Nations put sanctions? We don't—I reviewed recently UN sanctions—very few Saudis on the list who are still giving money or recruitment to produce thousands of al-Qaeda members in Iraq. That was after September 11.

So why haven't we seen a decline? We see al-Qaeda actually, you know, become less military and more political in Saudi Arabia and, in my opinion, much more powerful than before. So why has that failed—what did the UN do or not do in that aspect?

Barrett: Okay, the question about Mumbai, yeah, it certainly was done outside Europe but it got a great deal of coverage and it was very deliberately done to generate coverage, I think you would agree, you know, with the attacks on the hotels where Westerners liked to stay, on the Jewish center there, and so on. It was also done for TV. I don't think one should ignore that.

And the parochial issues are absolutely right. You know, that is the problem for them, that all the issues have become parochial again. This is what—the great thing that al-Qaeda did was say, forget about all your near-enemy issues; we're all going to get together and fight the far enemy because that's really what lies behind all these parochial issues. That's the real problem.

And they managed to do that and now it's broken down again so that the groups are saying, well, that didn't work; we've still got our local problems and now we need to get back to fighting our local problems. And so it's become again parochial.

Mumbai was very deliberately orchestrated to generate coverage.

And as for the leadership of Islam, this thing, yes, you know, we are the true—we are the leaders who will take you on the true path. Well, again, you know, I think not many people have endorsed that legitimacy that they claim. That's their problem, that they haven't been able to persuade people that this is the right way. There are lots of people who say that it's not the right way.

And in the way—you know, in the way the Muslim societies generally are quite hierarchical; you know, they will take—they will listen to the person who's preaching on Friday, or whatever, or the authorities who have been recognized by the state as being the authorities on religion and they will take that message, and the messaging from the state has become, I think, better calibrated to undermine that claim that al-Qaeda was trying to make. I mean, I don't think it's working anymore.

On the al-Qaeda influences and attacks in Afghanistan and Pakistan, well, there has been—yeah, we've seen some training and some sophistication, and some of the development of the improvised explosive devices (IEDs), for example, in Afghanistan, I think, have been seen earlier in other theaters, but I'm not sure how much al-Qaeda had to do with that.

And also, al-Qaeda hasn't been able to introduce the really sophisticated stuff. I think most of the IEDs in Afghanistan are still being made locally, with

a bit of training, and they sometimes, fortunately, make mistakes and they don't make them properly.

There was an al-Qaeda cell near Bagram the other—not so long ago—that was caught that had bomb makers, so they are obviously interested in helping to influence attacks, but—and I'm sure that they helped too in Pakistan with some of the attacks. In fact, it's quite clear that they did, but in a tactical sense, not in the strategic sense.

And Saudi Arabia—well, Saudi Arabians have a great tradition of giving and they may not know where their money is going. You know, I think people collect money for causes which aren't quite clear. And it's not, as you know, very much in the culture to ask too many questions about what this charity is about. You give money to charity and that's it. And it's a low-key issue, giving money to charity.

Saudi Arabians have a great tradition of giving, and they may not know where their money is going.

And I think that Saudi Arabia has this—still this sort of slightly paradoxical attitude toward this sort of violence because for a long time, remember, they said, okay, fine, you can go and fight but you don't do it here. You know, you go and fight in Iraq. They essentially said, fine, go and fight anywhere you like but don't fight in Saudi Arabia.

And now they're beginning to come off that a little bit because you see a lot of people come back from Iraq and then what are they going to do? I've seen people come back from Guantanamo. You know, what are they going to do? The rehabilitation program, as you know, is very sophisticated and advanced but it's also very expensive; very resource-intensive. It depends very much on one-to-one involving the families and so on.

And so I think Saudi Arabia is still trying to find its way, how to not only minimize violence in the kingdom—and, as I say, there's still these eighty-five wanted people; there are still a lot of people out there; we've still got the problems of Yemen—but also to stop Saudis being violent elsewhere and coming back and making the society more violent.

And I don't think they—they rarely understand what's going on to make the Saudis violent. There's lots of social issues, of course, employment issues and youth issues, but I think that's still a work in progress.

Contending with Transnational Threats: The Role of Special Operations

Adm. Eric Olson

September 17, 2009
Edited Transcript

I am honored to have this opportunity to speak to you out today. My remarks will follow a simple progression. First, I will cover the basics of the U.S. Special Operations Command (USSOCOM). My second topic is USSOCOM's role in the current operating environment. Finally, I will talk about the future environment and how I see USSOCOM posturing for success. At the end of my remarks, I look forward to an informal dialogue with you on your observations of how these topics relate to American foreign policy in the Near East.

Let's begin with a brief history of how USSOCOM came to be and the basic architecture and functions of the command, a "SOCOM 101" of sorts. The Department of Defense activated USSOCOM on April 16, 1987, at MacDill Air Force Base, Florida. This new unified command was created as directed by the Nunn-Cohen amendment to the National Defense Authorization Act of 1986, as a follow-on to the Goldwater-Nichols Defense Reorganization Act. Congress mandated that a four-star command be established to prepare Special Operations Forces to carry out assigned missions and, if directed by the president or secretary of defense, to plan for and conduct special operations.

Title 10 of the United States Code defines USSOCOM's authorities and responsibilities as both a force-providing and an operational headquarters. USSOCOM is provided a dedicated "major force program" budget and specific acquisition authorities similar to a military department or a defense agency.

Before the September 11, 2001, attacks on the United States, USSOCOM's primary focus was on its supporting command mission of organizing, training, and equipping joint Special Operations Forces and providing fully capable forces to support the geographic combatant commanders (Central Command, European Command, Pacific Command, etc.) and U.S. ambassadors and their country teams.

The president expanded USSOCOM's responsibilities in 2004 and then slightly modified them in 2008 so that USSOCOM is now the combatant command responsible for synchronizing the Department of Defense's (DoD's) planning for global operations against violent extremist organizations and networks. Note that I said synchronize "planning," not synchronize "operations." Conducting operations remains the primary responsibility of geographic combatant commanders in each of their respective areas of responsibility.

■ *Adm. Eric Olson, commander, U.S. Special Operations Command*

USSOCOM receives, reviews, coordinates, and prioritizes all DoD plans that support the global campaign against terrorists and their networks, and then makes recommendations to the Joint Staff regarding force and resource allocations to meet global requirements.

There are twelve capability areas that have been specifically assigned to USSOCOM. They are referred to as the SOFs, or Special Operations Forces, core activities. It is not meant to imply that we are the only ones who do them, but there are tasks within each of these activity areas that are peculiar to Special Operations Forces. These activities are direct action, special reconnaissance, unconventional warfare, foreign internal defense, civil affairs operations, counterterrorism, psychological operations, information operations, counterproliferation of weapons of mass destruction (WMD), security force assistance, counterinsurgency, and other activities specified by the president or secretary of defense. This list includes expected items such as direct action and counterterrorism, but there are two others that I will highlight because they, and your understanding of them, are important to our current operations. The first is unconventional warfare. Unconventional warfare is commonly misunderstood to be the opposite of conventional warfare. In fact, unconventional warfare is strictly and doctrinally defined as those operations that are conducted through and with surrogates and paramilitary counterparts to destabilize a hostile or illegitimate government. The fundamental requirement of unconventional warfare is to stimulate and support an indigenous group that lacks the capability to challenge the hostile government on its own.

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The campaign in northern Afghanistan in the opening days of Operation Enduring Freedom (OEF) was unconventional warfare. The Northern Alliance was a relatively mature, but not very capable, opposition force to the Taliban. And with the support of a relative handful of Special Forces Operational Detachment Alfa teams, twelve-man Green Beret A-teams, that paramilitary force became a dominant power in northern Afghanistan and was the main force in the march to Kabul. Unconventional warfare is the flipside of counterinsurgency, which is what the Afghanistan campaign became after the election of a legitimate, nonhostile government.

The second core activity I'll highlight is psychological operations, a term that often engenders images of brainwashing or mind control. I prefer to describe it as "truth-telling for a purpose." Its purpose is to influence activities and behavior in ways that are useful to us and to the foreign population we're addressing. We are prohibited by law and policy from using false information in the conduct of psychological operations. Practitioners of psychological operations, or PSYOP for short, also serve as operational advisors regarding the likely impact of other military operations on a population's psyche.

As the commander of USSOCOM, I have three overarching priorities, which can basically be summed up as mission, people, and stuff. The mission is to "deter, disrupt, and defeat terrorist threats," which is, of course, the reason for the people and stuff. But under these three main priorities, there are three supporting points of emphasis: culturally attuned engagement, interagency collaboration, and training and educating the "3-D warrior." Culturally attuned

engagement and interagency collaboration are key to our ability to deter, disrupt, and defeat terrorist threats.

The conflicts in which we are engaged are not going to be resolved by U.S. Special Operations Command, and they won't be solved by the Department of Defense. These conflicts are bigger than us; they will require a global effort to complete successfully. We will need to go even beyond a whole-of-government approach, to what can be called a whole-of-nation, or nations, approach. Too often, special operations are thought of as unilateral, high-risk, one-shot raids or assaults. There are, of course, times when that is the case, but what is truly "special" about special operations is the ability to work with and through others in pursuit of mutually beneficial outcomes to unusually complex situations.

I mentioned the 3-D warrior. The complexity of the present strategic environment requires that SOF operators maintain not only the highest levels of war-fighting expertise but also cultural knowledge and diplomacy skills. These "3-D operators" are members of a multidimensional force prepared to lay the groundwork in the myriad diplomatic, development, and defense activities that contribute to the U.S. government's pursuit of vital national interests. Fundamental to this effort is the recognition that humans are more important than hardware and that quality is more important than quantity. Investments in weapons platforms and technologies are solely for the purpose of enabling people to do the very difficult and dangerous things we ask of them.

The intent is to first select and train the extraordinary operators and then to provide them with the most operationally relevant equipment. Language skills and regional knowledge are key to establishing effective relations with the foreign forces, organizations, and individuals with which SOFs will interact.

The 1st Special Forces Group (SFG) language training program was recognized this year by the U.S. Army and DoD as the best of its kind, and yet, although language training programs have been enhanced in recent years, SOFs remain underqualified in many key languages and dialects. USSOCOM continues to expand these programs, stressing the need for a few individuals to be thoroughly steeped in select languages and cultures. We have collectively termed these programs "Project Lawrence," intended to produce individual regional expertise in support of a persistent presence approach. Inspired by T. E. Lawrence, aka Lawrence of Arabia, these initiatives include an exploration of innovative options to permit specialization without sacrificing promotion opportunities.

There are two main reasons for doing this. One, of course, is to build the personal relationships that will get things done, and you cannot build a solid personal relationship through an interpreter or machine-based translation. At least as important is the need to understand the environment deeply enough to be able to accurately predict the effects of our behavior.

USSOCOM has approximately 54,000 active duty, reserve, and National Guard soldiers, sailors, airmen, Marines, and Department of Defense civilians assigned. Almost all of them are organized by service component: U.S. Army Special Operations Command (USASOC) at Fort Bragg, North Carolina; Naval Special Warfare Command (NAVSPECWARCOM) at Naval Base Coronado, California; Air Force Special Operations Command (AFSOC) at

We will need to go even beyond a whole-of-government approach to what can be called a whole-of-nations approach.

Hurlburt Field, Florida; and Marine Corps Forces Special Operations Command (MARSOC) at Camp Lejeune, North Carolina. A sub-unified command is the Joint Special Operations Command (JSOC) at Fort Bragg. And there is the Joint Special Operations University (JSOU) at Hurlburt Field.

Further, each geographic combatant command has a Special Operations Command that I support as a force provider. This is the catcher's mitt into which the deploying forces are pitched.

Last week, U.S. Special Operations Forces were deployed in seventy-four different countries and foreign territories to the tune of about 11,000 personnel. Of note, 86 percent of the deployed SOFs are in the U.S. Central Command (CENTCOM) area of responsibility (specifically in support of Operation Iraqi Freedom and OEF).

USSOCOM is just one member of an interagency team. We wake up every day in Tampa, Florida, with about 120 representatives of other agencies of the government who come to work in our headquarters. About 70 members of the U.S. Special Operations Command go to work inside the Washington, D.C., Beltway in other agencies of our government. About 200 more are in interagency task forces overseas. This is really powerful. We have been doing this for a few years, so some of them are starting to work together in sequential assignments. Across our own government, we also use different processes and different terminology, so this is another form of culturally attuned engagement.

Strategic appreciation is a way of thinking about the future world based on connections and trends—not a conclusion or an estimate.

It is important to understand the world in which we live, or our operating environment, and what we think it may look like in the future. We have a process that helps us think about our operating environment. It is called "strategic appreciation," and I like to emphasize that it is a way of thinking about the future world based on connections and trends—not a conclusion or an estimate. I won't take the time now to take you country by country or region by region around the world, but I'll tell you that the connections and trends that we watch paint a picture of a world that is ever more globalized and ever more chaotic. Crime, migration, and extremism are on the rise and will become more important global factors. We see Westphalian states dominating the political construct, but nonstate actors will compete more vigorously with nation-states for influence over populations. Sovereignty will remain a valid concept for territorial integrity, but economic sovereignty, information sovereignty, and cultural sovereignty will be harder to protect. This will all be complicated by climate change, population growth, the emergence of unpredictable technologies, periodic economic crisis, and the threat of failed states.

We see the probability of major military conflict between developed nations decreasing. Even if you accept that state-on-state confrontation is a realistic possibility, it is still probable that states will employ asymmetrical methods of warfare.

Fundamentally, as Americans, we see the United States as the frog in a pot, worried too much about getting speared while the heat is slowly increasing to the boiling point. As the nation's Special Operations Force, we cannot do much to defend against the spear, but we can do a lot to turn down the global heat.

So, as proud as we are of our responsiveness to the sound of the guns, we recognize that it is more important to move ahead of the sound of the guns.

The Department of Defense campaign strategy against terrorism is contained in Concept Plan (CONPLAN) 7500. Crafted at the U.S. Special Operations Command and approved by the secretary of defense, it serves as both the guiding plan within the Department of Defense and the supporting plan in the interagency environment for combating violent extremist organizations. It is supported by regional plans crafted by each of the geographic combatant commanders around the world.

CONPLAN 7500 provides the framework for two approaches for influencing the behavior of our adversaries: the direct approach and the indirect approach. While the direct approach focuses on isolating and defeating the immediate threat, mostly through military actions, the indirect approach focuses on shaping and influencing the environment. I'll state at the outset that these approaches must be conducted in balance—and that is the challenge.

The direct approach consists of those efforts to disrupt violent extremist organizations—the softer way of saying capture, kill, interdict, and disrupt terrorists and terrorist networks to prevent them from harming us in the near term. The direct approach also denies access to and use of WMD by violent extremist organizations, many of which have declared their intent specifically to acquire and use such weapons against us. These operations are conducted largely by the military; certainly, the DoD is in the lead for the direct approach. The direct approach is urgent, necessary, chaotic, and kinetic, and the effects are immediate and mostly short term.

The direct approach is a holding action that buys time for the indirect approach to achieve the decisive results.

While the direct approach will always be required, its overall effects are not decisive. The direct approach is a holding action that buys time for the indirect approach to achieve the decisive results. The indirect approach includes enabling partners to combat violent extremist organizations by contributing to their capabilities through training, equipment, transfer of technology, and operational support. It includes efforts to deter tacit and active support for violent extremist organizations where the government is either unwilling or unable to remove terrorist sanctuaries. The indirect approach attempts to get at the underlying causes of transnational, nonstate violence—economic depression, religious extremism, and political intimidation and the like. Shaping and stabilizing the environment has an impact on the enemy in the long term. It is the concept of "draining the swamp" in which terrorist activity is cultivated.

Although the direct and indirect approaches are easily defined in theory, they are often difficult to distinguish in practice. People, units, and capabilities cannot be categorized as direct or indirect; only activities can be categorized as direct or indirect and only at the time they are occurring. Oftentimes, they are intertwined and occurring simultaneously. The military is in the lead in the direct approach; in the indirect approach, the U.S. military is, to a large degree, leading from behind. It is not our responsibility to lead it; it is our responsibility to support it. But much of the capacity, at least in the U.S. government, to conduct these kinds of operations—the train-and-assist kinds of operations I mentioned earlier, and the humanitarian assistance kinds of operations—resides within the Department of Defense. There is a balance between the two that has to be very, very carefully executed. This is where you'll find the core of special operations—in the balance of effective direct

and indirect actions, the combination of high-tech tactical skills and low-tech human interaction, and an understanding of the operational context of their application.

One example of how the direct and indirect approaches to warfare work to achieve balanced effects can be seen in the counterinsurgency efforts being conducted by our Special Forces detachments in Afghanistan. During a recent deployment, the Special Operations Task Force, consisting of about 2,400 personnel, accomplished the following. They conducted about 2,900 indirect-type operations where the operation was expected to be nonkinetic (with no anticipation of an exchange of gunfire). Additionally, they conducted over 2,400 direct operations where they anticipated or experienced an exchange of gunfire. Over 3,400 enemies were killed. They also treated 50,005 local nationals in medical and dental clinics. They dropped 1.4 million pounds of aid and supplies in places that would not have otherwise received any external support. They established nineteen radio stations to better communicate with and among the local population and distributed almost eight thousand radios to ensure the broadcasts could be heard. They conducted a large number of construction and engineering projects, often in partnership with the U.S. Agency for International Development (USAID). These projects, consisting of the construction of culverts, bridges, irrigation systems, and schoolhouses, had a tremendous impact on the local population.

Persistence is the key to success in the balanced approach to warfare.

Throughout the same period, the same task force employed about 1,400 Afghans. The force members became dominant players in the local economy of the remote locations they occupied. Living inside a normal A-camp, along with Special Forces A-teams, are typically fifteen to twenty Americans, one hundred Afghan police or security forces, and a handful of interagency representatives who are there for intelligence or aid purposes. The soldiers who live in the A-camp leave base every day to engage with the local people, often through prearranged Shuras, or organized meetings of local leaders. "What are the conditions here? How can we help? What do you know that we might want to know?" During this seven-month deployment, these detachments conducted 304 Shuras. Often, they conducted military operations at night based on what they had learned—and then went back the next day to compensate for any damage that may have been done. Their security was in their local value—and presence without local value is perceived as occupation.

The key to success in the balanced approach to warfare is persistence. The decisive effects of our nation's persistent engagement with partners around the world can be seen in places like the Philippines, where for several years Special Operations Forces have been advising and assisting the armed forces of the Philippines in their successful campaign against al-Qaeda-associated Islamic insurgents in the southern islands. Even more pronounced are the effects of our nation's persistent partnership and military engagement in Colombia, where for over ten years, U.S. Special Operations Forces have been advising and assisting the armed forces of Colombia in the fight against the leftist Revolutionary Armed Forces of Colombia (FARC). In the last couple of years, the Colombian armed forces have dealt serious blows to the FARC, culminating with the rescue of U.S. and Colombian hostages in July 2008. That operation was completely

planned, led, and executed by the Colombians themselves, primarily by their own special operations forces.

In October 2008, USSOCOM was designated as the Department of Defense proponent for security force assistance (SFA), which makes us responsible for analyzing global needs for partner-nation capacity building, and then making recommendations regarding force and resource allocation. SFA and threat finance, another area for which SOCOM has been assigned as a proponent, together offer opportunities beyond a whole-of-government approach to potentially include nongovernment and commercial entities. This team of teams is developing at an unprecedented pace as we find ourselves joined by common goals.

The concepts behind balancing the direct and indirect approaches in what amounts to a globally dispersed counterinsurgency effort are not new to how we conduct irregular warfare. Balanced warfare has been defined before:

> Pure military skill is not enough. A full spectrum of military, paramilitary, and civil action must be blended to produce success. The enemy uses economic and political warfare, propaganda, and naked military aggression in an endless combination to oppose a free choice of government, and suppress the rights of the individual by terror, by subversion, and by force of arms. To win this struggle, our officers and men must understand and combine the political, economic, and civil actions with skilled military efforts in the execution of this mission.

Those are President John F. Kennedy's words, spoken in a 1962 address to the U.S. Army Special Forces on the topic of what was then referred to as "special warfare."

Regardless of the name we use—special warfare, counterinsurgency warfare, irregular warfare, hybrid warfare—one thing is certain: it characterizes the nature of warfare we are experiencing, and will experience, for the foreseeable future. "Pure military skill" will not be enough. While the ability to conduct high-end, direct-action activities will always remain urgent and necessary, it is the indirect approaches, working through and with others in building a global network of partners, that will have the most decisive and enduring effects.

The indirect approaches—working through and with others in building a global network of partners—will have the most decisive and enduring effects.

The problems we must be prepared to address arise from the inability of nation-states to deal with increasingly complex challenges or to meet the needs and expectations of their populations. These challenges are exacerbated by the growing number of nonstate actors who have strategic effect in a networked and interconnected world. In the vacuum created by weak or failed governments, nonstate actors have achieved greater influence over malleable populations by addressing their basic needs and grievances. And when governments fail to address the needs of their populations, those populations will make choices shaped by today's ready access to global information. One of those choices is to turn to nonstate organizations or groups that demonstrate statelike capacities to meet popular demands. The decay of nation-states affects regional stability and empowers those who seek to violently impose their will on others.

If we can't prevent conflict, we will have to deal with it. In either case, your Special Operations Forces are key to the effort.

Countering Today's Enduring and Adaptive Terrorist Threats: The Role of the Defense Intelligence Agency

Lt. Gen. Ronald Burgess, Jr.

September 10, 2009
Prepared Remarks

■ *Lt. Gen Ronald Burgess, Jr., director, Defense Intelligence Agency*

Introduction

Thank you, Robert, for that kind introduction. And I would also like to thank Matthew Levitt for inviting me to participate in this lecture series. It is an honor for me to be here.

The Stein Program on Counterterrorism and Intelligence sets a high standard for public education on a critical issue that likely will continue to challenge our nation for the foreseeable future. Thank you for contributing to that public dialogue and, by extension, to the public consensus required for successful counterterrorism efforts.

Like some previous speakers here, I have spent my career in the intelligence profession. And so, in all honesty, before taking you up on the invitation, I had to overcome a visceral reluctance. What helped me do so was the fact that—so far—none of your previous Intelligence Community speakers has been struck by lightning following their remarks. So I am hoping not to be the first who breaks that streak.

With that confession out of the way, I would like to spend a few minutes talking about the Defense Intelligence Agency (DIA) and the contributions the agency is making against terrorism. As we all know, tomorrow marks the eighth anniversary of the attacks on September 11, 2001—a time for each of us to reflect on the terrible events of that day, those we lost, and the costs, risks, and challenges associated with terrorism and all of its manifestations. Like for many at the Institute and in the audience today, the events of that day bear a special meaning for those in the Department of Defense and the Intelligence Community as we strive to understand and stay ahead of the highly adaptive trends in terrorism we are seeing in our operating environment.

Defense Intelligence Agency

First, let me set the stage with a few words about the DIA—and the agency's capabilities and role. The DIA is both a member of the United States Intelligence Community and a principal combat support agency within the Department of Defense. Job one for the DIA's intelligence professionals is to understand foreign military intentions and capabilities and the threats they pose to the United States. DIA personnel do this by analyzing all sources of intelligence.

All-source analysis is not unlike putting pieces of a puzzle together, except that, in our business, we do not get all the pieces. We get some—and from that we try to divine the clearest picture possible.

Founded in 1961, in the midst of the Cold War, the DIA was chartered to provide the Department of Defense with "unity of effort" across its intelligence functions while also strengthening the department's ability to collect and analyze intelligence. Twenty-five years after its creation, the agency was designated a combat support agency under the Goldwater-Nichols legislation of 1986.

The DIA provides all-source intelligence across the full spectrum of current and potential threats to military commanders and policymakers at the defense and national levels. This includes intelligence obtained by human sources and by specialized technical collection.

The broad spectrum covered by the DIA ranges from major nation-states such as North Korea, Iran, Russia, and Syria all the way to nonstate, subnational terrorist groups such as al-Qaeda and its operational and nominal affiliates, and other groups, including the Revolutionary Armed Forces of Colombia (FARC), Hizballah in Lebanon, and Hamas in the Gaza Strip. Today, the agency's top priority is Afghanistan-Pakistan—and providing the intelligence support to our military forces currently engaged in that region.

As you can see, the DIA has a broad portfolio. And we could spend a whole day on any of the topics I mentioned. But today, in keeping with the stated purpose of the lecture series, I am going to zero in on the terrorism portion of that broad spectrum and talk about trends there.

The DIA was chartered to provide the Department of Defense with 'unity of effort' across its intelligence functions while strengthening its ability to collect and analyze intelligence.

Terrorism Trends

Before September 11, our conceptual framework for the phenomenon of "terrorism" often was largely built upon groups with distinct structures, strict lines of command and control, and well-defined operating areas. Today, the primary terrorist threat to our country's interests—persons aligned with al-Qaeda—has evolved from different but related groups into a more coherent movement under a common ideology. The movement grew in a way that deemphasizes rigid structures and delegates responsibility downward, even to individuals. As a consequence, it created a mechanism to generate and share resources that lies at the heart of al-Qaeda's resiliency.

Al-Qaeda's methods present serious challenges for anticipating and disrupting terrorist plots. Top leaders simply announce their priorities, which the group's members and allies may interpret and execute against targets of their own choice. This multi-echelon plotting by al-Qaeda and its allies and sympathizers enables a span of terrorist violence across the world that is unprecedented in its unity of vision, regardless of the degree to which the overall command and control is splintered. Hundreds of attacks every year are committed by militants sanctioned by or under the name of al-Qaeda.

Al-Qaeda has also learned to select targets that maximize the political effects of its attacks. For example, the bombing of the Golden Mosque in Iraq in February 2006 killed no one but sparked waves of sectarian violence. An attack on a Spanish commuter train contributed to a change of government.

So, where are we in our fight against al-Qaeda? The record is mixed. On the one hand:

- We see continued terrorist attacks by supporters of an uncompromising ideology.
- Terrorists have learned to increase their lethality *and* their political impact.
- Terrorists are drawn to unstable and/or ungoverned territories where they fight, form bonds, draw recruits, and further develop their trade.

On the other hand, there are reasons for optimism:

- U.S. and allied governments have had an impact on many of al-Qaeda's most lethal capabilities. The group is forced to perpetually rebuild. I'm proud to say that the DIA was instrumental in many of these successes.
- The ideology driving al-Qaeda is showing signs of wear and its popularity appears to be waning, and more Muslim voices publicly challenge its tenets.

We can be proud of our successes and can only imagine what damage al-Qaeda would have inflicted had the community of civilized nations not drawn together against this threat. Despite the successes, we still face determined adversaries who seek to adapt in ways that present fresh challenges. For example:

- U.S. citizens are traveling abroad to fight with al-Qaeda and its allies. News stories tell of young people from Somali communities in the United States who go overseas to join the ranks of al-Shabab, which seeks to create a radical Islamic government in Africa. Others travel to Pakistan and Afghanistan.
- The Pakistani group Lashkar-e-Taiba, with ten assailants and simple weapons, killed 164 people last year in a tourist-filled neighborhood in Mumbai. This kind of attack can be replicated in other urban centers by determined adversaries.
- Groups like Hizballah in Lebanon, with the force multiplier of Iranian state sponsorship, continue to represent a substantial transnational threat. Well-known for its prominent bombings, hijackings, and kidnappings, Hizballah recently achieved a new capability that carries disturbing implications. In 2006, this terrorist group successfully sustained a largely conventional fight against a nation-state with a tier-one regional military capability.

U.S. and allied governments have had an impact on many of al-Qaeda's most lethal capabilities.

Enduring and adaptive threats such as those I have mentioned are important problem sets for the Defense Intelligence Agency, the Intelligence Community, our nation, and many of our allies. The implications they present frequently transcend intelligence and cross into the policy realm.

And that really illuminates the DIA's role: the intelligence we produce helps to inform policymakers at all levels, from the secretary of defense to the Oval Office to Capitol Hill. At the same time, the DIA's assessments help military commanders understand risks and threats in areas in which they may operate, and inform their decisions about security for their soldiers, sailors, airmen, and Marines.

What I have laid on the table today represents a broad spectrum of tough challenges, threats, and problem sets. And our effort to provide actionable intelligence to our customers often generates new questions or intelligence requirements that we task out to our nation's cadre of collectors, whether they fly aircraft and satellites or conduct high-threat meetings with sources on battlefields or in foreign capitals.

In our search to provide customers with the critical advantage that comes with good intelligence, we are constantly adjusting our human and technical intelligence collection against targets that we think will produce new pieces of the puzzle. And we examine each new piece of intelligence that comes in. And we ask whether the new intelligence sharpens or contradicts our understanding of an issue. Does it confirm something known? Reveal something unknown? Or is it a new data point seemingly unconnected to anything else that merely awaits other pieces of the puzzle before its full meaning can be understood?

That is the process we use as we seek to identify terrorism trends and understand their full implications on behalf of our customers—whether it is a four-star combatant commander overseas, an assistant secretary of defense, or the National Security Council or the president. And those are the types of questions we ask as we look at the phenomenon of terrorism—and all of its variations and how it is adapting and evolving in different theaters around the world.

We are constantly adjusting our human and technical intelligence collection against targets that we think will produce new pieces of the puzzle.

Final Thoughts

Terrorism remains, of course, a top intelligence priority for this nation. The fight against transnational terrorist groups such as al-Qaeda continues. Forward deployed to Iraq and Afghanistan, the men and women of the DIA continue to provide critical analytic and collection and targeting support to our armed forces.

As you can imagine, providing intelligence support for these ongoing operations places great demands upon our resources and people. In fact, the DIA has more people deployed overseas now than at any time in its nearly fifty-year history, many of whom are on their second or third deployment. But that does not mean other potential threats and items of interest have gone away. Far from it. In addition to ongoing operations in Iraq and Afghanistan, DIA personnel continue to monitor a broad range of events and potential threats, such as:

- Iranian, Syrian, and North Korean missile programs; conventional force developments; proliferation; and weapons of mass destruction programs
- Antisatellite weapons
- Russia's effort to restructure its military forces—the most ambitious in more than fifty years
- Threats to our cyber infrastructure
- China's continuing efforts to develop naval, air, and missile forces for dominance along its periphery
- Hostile foreign intelligence services
- Pakistani military operations in its tribal areas

As director of the DIA, I have a fundamental responsibility to balance the demand for intelligence support to ongoing operations with the need to monitor these other threats, challenges, or items of interest elsewhere.

Guarding against strategic surprise, even beyond the heavy demand of current operations, remains a core DIA mission. And that presents a constant struggle: how do we balance our finite intelligence resources, personnel, and capabilities in this highly complex operational environment we face today—one marked by a threat spectrum that is arguably broader than ever?

History wisely counsels that the last war—or, in this case, the current war—is often an imperfect indicator of the next war.

I will close on this cautionary note, one drawn as much from the history books as from the intelligence vaults: our current focus on ongoing operations against terrorism and in Iraq and Afghanistan is no guarantee that our nation's next conflict or challenge will emerge on the low end of the threat spectrum. History wisely counsels that the last war—or, in this case, the current war—is often an imperfect indicator of the next war. Our fight today on the low end of the conventional spectrum does not preclude the possibility that the next challenge or conflict may emerge on the high end of the scale.

That reading of history underscores the need to maintain defense intelligence capabilities, including human intelligence and technical collection along with all-source analysis, so that we can always provide the intelligence advantage to our customers—whether they wear this uniform and lead troops in battle or are civilians wrestling with tough policy calls. And we have to do it against the full spectrum of threats and challenges—from low to high, at all times. Doing so may be the best way to prevent strategic surprise—whether it originates from highly adaptive nonstate groups like Hizballah or on the high end from aspiring regional, nation-state competitors.

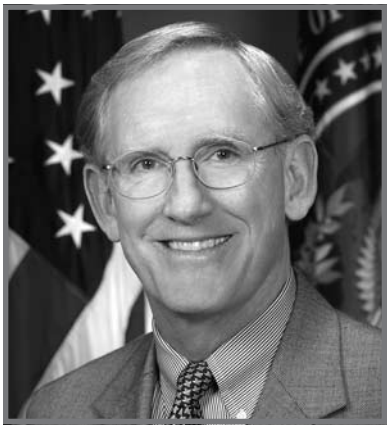
Counterproliferation in the Twenty-First Century

Ambassador Kenneth Brill

August 4, 2009
Prepared Remarks

I would like to begin today with a "this week in history" moment. Seventy years ago this week—August 2, 1939—Albert Einstein wrote a letter to President Franklin Roosevelt. It was both extremely urgent and highly sensitive. The letter began:

> Some work by E. Fermi and L. Szilard, which has been communicated to me in manuscript, leads me to expect that the element uranium may be turned into a new and important source of energy in the immediate future. Certain aspects of the situation which has arisen seem to call for watchfulness and, if necessary, quick action on the part of the Administration.



■ *Ambassador Kenneth Brill, director, National Counterproliferation Center*

Einstein was worried that Nazi Germany had already begun research on nuclear fission, and the United States needed to act immediately to develop this potentially vital capability.

When you trace back the challenge of preventing the spread of weapons of mass destruction (WMD), some could argue that it began with those words. Yet the WMD challenge described in that letter and the challenge faced after World War II during the Cold War era are different than the one we face now—a fact due largely to globalization and ongoing developments in science and technology.

I spoke to a class recently at Johns Hopkins University, and to begin my talk, I held up two books: one of them, Thomas Friedman's *The World Is Flat*, and the other, Doug Frantz and Catherine Collins's *The Nuclear Jihadist*. What's the tie that binds these books together, I asked the students?

The answer is that one has made the other possible. In an era of globalization—where advanced scientific and technical knowledge and capabilities have spread beyond the major powers and where states are not the only global actors that matter—we must understand that the challenge of countering the proliferation of WMD has taken on new dimensions.

WMD is a twentieth-century phenomenon being made more complex by these twenty-first-century realities. If you Google the words "how to build a nuclear bomb," you get more than 6.5 million results. Even when you subtract for the cranks, kooks, and uninformed, the results are still a very significant number. The knowledge is out there, the expertise is out there, the drive—seen

most clearly in states like North Korea and terrorist groups like al-Qaeda—is out there, and the materials can be found.

To be effective, we must adapt our approaches for countering WMD proliferation to the realities of the twenty-first century. The WMD oligopoly—that is to say, where only a few states had the means to produce WMD—is a thing of the past.

We now live in what is close to an open market, where many states have the scientific and technological capabilities required to produce WMD and where networks like A. Q. Khan's—the subject of *The Nuclear Jihadist*—and other nonstate actors can distribute and acquire a wide range of capabilities once reserved for states. The destructive power of WMD, as one scholar has noted, is spreading downward and outward.

But let's be clear—this globalized world does not exacerbate and complicate just nuclear threats. Biological capabilities, as the National Academy's National Research Council wrote in 2006, have grown and spread even more dramatically. The academy notes that while the advances in the biological sciences have much good news in them, there are also threats. Let me quote directly from its 2006 report: "For millennia, every major new technology has been used for hostile purposes, and most experts believe it naïve to think that the extraordinary growth in the life sciences and its associated technologies might not similarly be exploited for destructive purposes."

For millennia, every major new technology has been used for hostile purposes.

The academy actually understates the challenge. Virtually all biological capabilities are dual-use, and those capabilities that once were solely within the purview of laboratories associated with Nobel Prize–winning scientists are increasingly part of undergraduate classrooms and advanced high school labs. This presents new and complex challenges on the biological threats front. According to experts, there are now sophisticated biotechnology capabilities on every continent on the planet, with the exception of Antarctica.

To put it plainly then, the WMD proliferation challenge in the twenty-first century is keeping states and nonstate actors from doing what they can do if they choose to do so. So, what do we do about that? Are there new ways to think about the problem of countering proliferation within this globalized context? That's what I would like to talk about today, focusing specifically on the contribution that must be made by intelligence.

First, though, I'd like to say a few words about the Intelligence Community. The community has experienced significant—and, in my mind, very useful—reforms as a result of the 9-11 and WMD commissions and the Intelligence Reform and Terrorism Prevention Act of 2004. The creation of the Office of the Director of National Intelligence (ODNI), for example, was designed to give the sixteen operating units of the Intelligence Community a corporate headquarters that would produce integrated strategies and drive integrated action to accomplish the community's priority missions.

Intelligence reform is not something that is accomplished overnight, and I think it is fair to say that the ODNI's efforts to produce a well-integrated intelligence enterprise are still a work in progress. But a good deal of progress has been made, particularly in integrating the work of the intelligence agencies on

the priority crosscutting missions, such as counterterrorism, counterintelligence, and cyber and WMD counterproliferation.

The National Counterproliferation Center (NCPC) was created as part of the Intelligence Reform and Terrorism Prevention Act of 2004 and on the recommendation of the WMD Commission of 2005. NCPC is charged with providing strategic leadership to the Intelligence Community's work on countering WMD proliferation. Our job, in short, is to help the Intelligence Community succeed at this most challenging task, but not to do the work ourselves. NCPC has a staff of a little over sixty people and in our four years of existence:

- We have published strategic intelligence plans for countering WMD proliferation, countering biological threats, and promoting strategic interdiction.
- We have developed performance metrics to measure performance in achieving priority counterproliferation goals.
- We have helped create new, integrated approaches—and in some cases, programs and offices—to deal with urgent counterproliferation priorities.
- We have worked closely with the National Counterterrorism Center to integrate the work of the counterproliferation and counterterrorism communities on WMD terrorism.

All of this progress has been important, but more remains to be done. In working strategically to counter WMD proliferation, it has become clear to me that we need to ask different questions and develop new approaches to counter WMD proliferation in the twenty-first century. As a crosscutting issue, counterproliferation is a team sport, but who should be on the team and what are the roles of the team members? How do globalization of science and technology, the increasingly dual-use nature of WMD-related technologies, and the rise of nonstate actors affect how we approach WMD proliferation issues? How do we move to the left on the proliferation continuum to keep programs from starting and facilities from being built, not just going after existing WMD programs and stopping shipments for them at ports?

As a crosscutting issue, counterproliferation is a team sport, but who should be on the team and what are the roles of the team members?

In sum, how do we ensure a focus on actually countering WMD proliferation, not merely describing it? Let me talk about three things we are working on within the Intelligence Community to do just that.

First, we are dealing with WMD counterproliferation as more than a technical issue and increasing the emphasis on issues like intentions and motivations.

Second, we are looking beyond today's headline issues to identify states of "over the horizon" concern so we are not just reacting to events, but helping to shape them to avoid future WMD threats.

Third, we are integrating the work of the counterproliferation and counterterrorism communities to better meet the challenge of WMD terrorism.

The first two issues I just mentioned concern state WMD programs, so let me start with state issues and then turn to WMD terrorism.

When it comes to countering WMD proliferation, intelligence must do more than just monitor emerging weapons programs or activities of concern. That is describing proliferation. Admittedly, it is important work and policymakers are

big consumers of what I would call "descriptive analysis." But countering proliferation requires understanding state motivations and then identifying the tools, levers, incentives, disincentives, and opportunities that policymakers can use to respond to perceived needs and shape behavior. Policymakers can use this kind of intelligence and analysis to develop strategies to discourage, prevent, roll back, and deter WMD programs.

Historically, we have not focused a great deal of attention on that front. The U.S. government, like virtually all others, has approached WMD proliferation as a technical issue. The organizations within intelligence and policy agencies that worked on proliferation issues were largely staffed with scientists, engineers, and other "technical" experts. Policymakers sought analysis on technical developments, such as the range and flight characteristics of missiles, the timeline of a nuclear development program, or how a biologic pathogen could be weaponized.

While nuclear physicists and bioweapons specialists are necessary to have focused on WMD, they cannot be the only people looking at the problem. They will not and cannot be expected to understand a state's leadership intentions and motivations, a state's decisionmaking process, whether there are influential others who might have opposing views, or how a state's economic, financial, or regional security concerns might affect its decisionmaking calculus.

Historically, the U.S. government, like virtually all others, has approached WMD proliferation as a technical issue.

Countering WMD proliferation requires the knowledge of state behavior that comes from those charged with understanding regional, economic, and politico-military issues, and state leadership and elites. They are the people best suited to help identify state leadership motivations and intentions and then develop comprehensive approaches to countering interest in developing a WMD program. But, for too long, these nontechnical experts have not been seen—or seen themselves—as core members of the counterproliferation team because proliferation was a technical problem.

Now, there is a clear logic behind this traditional technical focus. During the Cold War, what we needed most was technical information and our intelligence apparatus responded appropriately. With regard to state programs, we knew our adversaries' intentions—the big question mark was their capabilities.

Now in the twenty-first century, that has been largely reversed: some of our biggest gaps are around state intentions. In his Annual Threat Assessment before Congress earlier this year, Director of National Intelligence Dennis Blair made clear the importance—and difficulty—of understanding the intentions of some of the most important subjects of intelligence collection and analysis.

Let me give a hypothetical example to illustrate the challenge. State X is investing a significant amount of money in a biotech-related research center. The center has links with state X's ministries of defense, commerce, and agriculture. The question is: would we know if this center was for an offensive biological weapons program, a defensive program, or for use in developing a genetically modified, disease-resistant cash crop, just from the equipment being purchased? Without understanding that state's intentions—and in focusing only on the technical side of the issue—there is no way of knowing the intended use of the equipment.

To get to the left of the proliferation problem, we need to learn about and understand a state's motivations, determine ways to address those motivations,

and identify what levers and opportunities can be applied or exploited to dissuade interest in WMD. Policymakers can then develop country-specific strategies to counter proliferation before it begins. Indeed, as I said before, counterproliferation needs to be a team sport, but in the past we have only been playing with part of our team on the field. That is changing today as the Intelligence Community positions itself to tackle new challenges in new ways.

Now, don't get me wrong: just because we need to work the left-hand side of the proliferation continuum does not mean we can afford to neglect the capabilities we have established to the right. We need to sustain our excellence in technical collection and analysis on proliferation issues—capabilities that remain fundamentally important for policymakers and our colleagues in defense. We need to work on interdiction issues, both strategically and tactically. But true success in countering state WMD proliferation in the twenty-first century will only come from integrating new kinds of collection, analysis, and action into what we have traditionally done well on the technical side of the issue.

True success in countering state WMD proliferation will only come from integrating new kinds of collection, analysis, and action.

Some of that integration must come from a part of the U.S. government that rarely gets the attention, much less the credit, it deserves. I am talking about the Department of Energy's National Nuclear Laboratories. These labs have remarkable capabilities and a unique ability to produce scientific and technological synergies to support Intelligence Community analysis, collection, and operations. They are called "nuclear" labs, but in my mind they are really "national security laboratories," because they support a broad range of issues beyond nuclear. They are important contributors to such issues as cyber and biological threats and WMD terrorism. The labs have their detractors and they have suffered budget cuts and personnel layoffs recently. But as the scientific and technological gap that has long existed between us and the rest of the world narrows—that is, as the science and technology world becomes flatter—we need to realize that no other country has any institution or set of institutions like the Department of Energy National Laboratories, and we need to sustain them as centers of national security excellence. The labs' role in countering WMD proliferation will remain vital.

I want to turn now to the Intelligence Community's work against terrorist WMD efforts. When it comes to terrorist groups, we find ourselves in the same position we were in during the Cold War when it came to state programs. Our adversaries have made their intentions clear: they want the ability to produce mass casualties. The big question mark is on capabilities. Let me talk more about that with an example.

Five days a week, the National Counterterrorism Center prepares a top-secret, codeword-classified document called the "threat matrix." It contains all known threats accumulated in the past twenty-four hours aimed against the U.S. homeland and our allies and interests abroad. Invariably, there are WMD threats in the matrix. The threats run the gamut, but the one thing they all have in common is terrorist intention, and their inability—so far, at least—to get their hands on the materials needed to carry out their intentions.

To combat this threat, we need to work at the nexus of counterproliferation and counterterrorism. And that is why the National Counterproliferation Center is working hand-in-hand with the National Counterterrorism Center

to ensure that those who work with state threats, WMD material security, and other WMD capability issues are engaged closely with those looking at terrorists who seek to acquire such materials and capabilities. Unlike with state programs, no technologies are dual-use when terrorists are seeking to acquire them. Going back to my earlier example, al-Qaeda would not be acquiring fermenters to advance science or improve crop yields; they would be seeking a new way to cause harm to as many people as possible.

The National Counterproliferation Center and the National Counterterrorism Center have put in place new processes to ensure a strong and steady focus across the Intelligence Community on WMD terrorism and have launched initiatives to develop new tools and approaches to counter WMD terrorism. This is not an issue that can be rapidly resolved but is, rather, one that will require a consistent mission focus, skill, and collaboration across the Intelligence Community for years to come.

Countering these nonstate as well as state-based WMD challenges requires persistence in engaging at all points of the proliferation continuum. But it also requires thinking and working beyond the headline issues of today.

Countering these nonstate and state-based WMD challenges requires persistence in engaging at all points of the proliferation continuum.

If we focus our attention only on the states or terrorist groups mentioned in those headlines, we are just asking to be surprised. If our capabilities are focused solely on Iran and North Korea and al-Qaeda, we will have done policymakers a huge disservice when an "over the horizon" nation goes nuclear, or a new terrorist group starts putting the pieces together for a biological weapon. This is where a real partnership between policymakers and the Intelligence Community is essential. In addition to supporting policymakers on the issues in today's headlines, we need to think beyond those issues. More specifically, we need to do the hard work of analysis and collection that allows:

- First, for the early warning of new proliferation problems.
- Second, for policymakers to develop strategies to counter WMD proliferation even before it gets started.

In Einstein's letter to Roosevelt—at the conception of the nuclear age—Einstein recommended "watchfulness" and "quick action" to develop nuclear weapons. Those words, more than half a century old, should take on a renewed meaning as we now work to counter this uniquely twenty-first-century WMD threat. The Intelligence Community, in coordination with partners across the U.S. government, is instituting a new watchfulness to guide its action—watchful for nascent WMD programs, watchful for levers that can discourage such programs, and watchful for the threats that have been made real in this era of globalization.

Defending the City: NYPD's Counterterrorism Operations

Richard Falkenrath

June 23, 2009
Edited Transcript

I thought I'd begin by giving you an overview of the New York City Police Department (NYPD) counterterrorism program, because it is a little unusual and, for those of you who studied it before and know a lot about it, bear with me. But I think there are many folks who don't understand what this program is, how it works.

The foundation of it is really the commitment of the mayor and the police commissioner, Raymond Kelly, to have a counterterrorism and intelligence program to essentially fill the gaps that are left by the federal government. And that is not a knock on the federal government; that's a commentary about our system of government.

And our system of government, the federalism system, gives the federal government only those powers expressly conferred to it by the Constitution or by an act of Congress. Everything else lies with the states or their subunits, the cities. And this is a very important point. And I start off with—this may sound a little academic, but I think it's important to understand where the NYPD fits in.

■ *Richard Falkenrath, deputy commissioner for counterterrorism, NYPD*

The NYPD has something called plenary police power. It's a broad-ranging authority to maintain public order and enforce the law and keep the citizenry safe. The federal government in the United States has no such authority. The federal government's law enforcement authority is very specific. There are certain federal crimes, there are certain offenses that the federal government has the authority—in some cases, preemptive authority—to investigate. And it brings to bear extraordinary resources on those investigations. But really nowhere outside of specific federal reservations like airports or ports or courthouses or the White House or Congress, really nowhere out in America does the federal government provide day-to-day security and day-to-day policing and responsibility.

Now, in most of America, law enforcement agencies are rather small. There are something on the order of 18,000 law enforcement agencies. And the jurisdictions tend to be small and overlapping. So an average police department in America will have a couple of hundred police officers who patrol the area, investigate crimes, provide general police functions. About a hundred years ago, the city consolidated the five boroughs of New York City into one large corporate entity, the City of New York. And then in 1995, two other police

departments, the housing department, the housing police, and the transit police were consolidated into the NYPD. And the result is by far the largest police department in the country. Right now there are about 53,000 employees of the NYPD; that's down substantially from the height after the September 11, 2001, attacks for various budgetary reasons, but it's a very large department—and roughly a $4 billion budget, $8 billion if you include the fully loaded costs of all of the personnel.

So it's big. So when you take that size and the commitment of the leadership, the police commissioner, to do something different, he is able to essentially allocate a fraction of those resources, say about 1 percent, to do something very specialized and very focused, which is counterterrorism and intelligence.

And really, that's what's happened. But it took those two things: it took size and it took the commitment at the top. It also takes a third thing, which is—the main responsibility of any police department is to fight crime, and the crime rate in New York City has been reduced very substantially in the last twenty years, making it the safest big city in America. So the fact that crime has fallen so far gives the police commissioner room to do a program like this, which after September 11 everyone agreed was a good idea to do.

So now let me describe the program to you a little bit. It has two main elements—the counterterrorism bureau, which I have the privilege to lead, and the intelligence division, which is led by my friend and colleague, another deputy commissioner, David Cohen, who is a thirty-five-year veteran of the Central Intelligence Agency. The counterterrorism bureau has about 350 personnel assigned to it and has broken out into five or six main units. The first is about 130 detectives and investigators who were assigned to the Joint Terrorism Task Force (JTTF).

The JTTF is the focal point for counterterrorism investigation inside the United States under federal authority.

Now, a short digression: the JTTF is the focal point for counterterrorism investigation inside the United States under federal authority. It is led by the Federal Bureau of Investigation (FBI), but since 1980 the FBI has recognized that these investigations need to be done jointly with other agencies and with local government. And so in New York, which is the oldest JTTF, we have a very large contingent of NYPD officers assigned to it with their full command structure in place, all the way up to a one-star chief.

So they are completely marbled into federal counterterrorism investigations both in New York and extraterritorially. The—as you know, and I'll talk about this a little bit at the end—the federal government and the FBI have extraterritorial jurisdiction over certain terrorist offenses, and the New York field office is responsible for Africa and Europe and some parts of the Middle East.

And so what that means is the NYPD detectives who were assigned to it end up participating in these international missions and operations, extraditions, questions, that sort of thing.

We also have fanned out across the federal counterterrorism community and have four officers deployed full time in Washington, or actually in Virginia, inside the FBI and its supervisory operations section, one at the National Counterterrorism Center, and one at the national JTTF. And we have officers across the river in the Newark Joint Terrorism Task Force, and we will soon have them

upstate in the Albany Joint Terrorism Task Force. All NYPD officers were kind of spreading out, which we think is a good thing to do.

The second main element of the counterterrorism bureau is what we call the counterterrorism division. It's essentially a collection of extremely specialized programs that focus on particular topics of interest to us. So we have a counter-WMD (weapons of mass destruction) section, which focuses primarily on radiation detection and managing the biowatch program, which is looking for bioterror agents in the air. We have a critical infrastructure protection agency, or office, which reviews diagrams of new buildings, critical infrastructure, and makes recommendations to the owners about how to remedy deficiencies that we find.

We have a training section, which is essentially a specialized university training members of the NYPD and other agencies in everything from how to handle a confidential informant all the way down to how to conduct a proper bag search at a vehicle checkpoint. We train about ten thousand members of the service or other agencies per year in that program now.

We have a special projects unit, which operates very specialized equipment, like two harbor launches equipped with radiation detection equipment and then a lot of vehicle interdiction devices and that sort of thing. That is the counterterrorism division.

The third major unit is the Lower Manhattan Security Initiative. This is a totally novel approach to close-in urban security where we are combining police information, a control over police patrol resources, state-of-the-art technology, and the day-to-day involvement of the private sector. So we have invited stakeholders from the largest companies in lower Manhattan into our facility, where they work side by side with us.

That invitation actually just reached a milestone on Monday when we brought them into the facility for the first time. They are there now; they are going through training. The Lower Manhattan Security Initiative seeks to provide state-of-the-art domain awareness of what's going on in lower Manhattan and increasingly across the city as a whole.

A fourth major element is the citywide counterterrorism coordinator, which runs daily counterterrorism operations throughout the city using patrol resources that are temporarily assigned to the counterterrorism bureau. So we basically levy a tax on all the different precincts in the city—and there are over eighty—and they send us one radio car with two police officers in it and their command structure from the borough, and they come under an inspector whose sole job is to run counterterrorism operations in the city, and they deploy them out across town.

And if you come to New York City you're likely to see them. Their purpose is to be very visible and to provide a police presence in the areas most likely to be cased, surveilled, or attacked by terrorists. This is important because those areas tend to be low-crime.

And the natural thing to do when you're a police department is to put the police officers where the crime is. And what we know is that those are not most often the areas that are going to be attacked, so you need another program to put the police officers in the areas of terrorist interest.

The Lower Manhattan Security Initiative is a totally novel approach to close-in urban security.

The counterterrorism patrols are also a ready reserve for us. So, at a moment's notice, we can move them anywhere we need to. If there is a disaster of some kind, an incident, an attack, a mobilization, whatever we need, we have them there with just a radio call away.

And then, finally, we have a group of analysts, civilian analysts, extremely highly qualified, who provide intelligence support to me, the police commissioner, Commissioner Cohen, on a range of strategic topics, tactical topics, and particularly terrorist tradecraft. They also provide policy support to me as we're dealing with Congress and the federal agencies on budgets and grants and that sort of thing.

The country as a whole is taking radicalization less seriously. In the last three, four, five years, it has really started to relax a lot.

So that—and then finally we have a doctor who's an infectious disease specialist who does support on bioterrorism issues, anthrax events. And that's really the counterterrorism bureau, that's half of it—that's the half I lead. My colleague, David Cohen, leads the intelligence division. I'm not going to go into it, but essentially the intelligence division, under separate municipal authorities, monitors leads and threats in and around New York City and using techniques that are really—some of which have been pioneered at the NYPD with a full range of assets available to it. And, when appropriate, it passes the information to the federal government for further investigation and in some cases for prosecution. We work together every day with the federal government. Our most common partner is the FBI. We are completely a cohabitant of the city with the FBI, and information flows seamlessly back and forth constantly.

We hear a lot about information sharing, and I will tell you that in New York City we are fairly satisfied with the quality of information sharing that we get from the federal government. There are a few little niches every once in a while where we think we can do a little better, but basically it's quite good. And myself, Commissioner Kelly, Commissioner Cohen are all former federal officials, so we are fairly familiar with the products that the federal government has to offer at all levels. And we're quite comfortable with the access that the federal government affords to us on a routine basis. So that's a success, I think.

Now, let me talk a little bit about the threat and issues related to radicalization. We take the threat very seriously, obviously. The whole city of New York takes it seriously. I think the country as a whole is taking it less seriously. I think the country in the last three, four, five years has really started to relax a lot.

And part of me thinks that's okay. I don't want the general public to feel fearful. What matters here is that the agencies in question have well-run, well-resourced programs to deal with the problem we have. And the problem we have is serious, but I don't believe it's cataclysmic. I'm not a sort of Chicken Little, the-sky-is-falling counterterrorism official.

I think that in many respects this problem is manageable. We know we can be attacked at any time at any place with any weapon and that strategic surprise is a real possibility. But I think we can take some comfort in the fact that we have devoted, as a nation, very large resources to this problem and that there are thousands of people who come to work every day trying to prevent its occurrence. And we've seen, lately, a series of plots and attempted plots against the United States that really haven't gotten that far before they've been preempted.

Now, that's not to say there can't be a plot that we don't know about that slips through. That's always a possibility. But I, for one, think that we, as a counterterrorism community—the New York City Police Department working with its federal agencies—are making some traction on this problem.

The threat is both external and internal. The external threat, I think, is best understood by the federal government and by the Beltway experts. I think the internal threat—the homegrown threat—is far less well understood by counterterrorism experts in Washington. And there's a reason—which is that our entire counterterrorism intelligence collection process in the United States requires predication. It requires various conditions to be met in order for the FBI or the other agencies involved to proceed with their investigations.

Now, that predication is usually foreign intelligence of one kind or another. And when we get it, the federal government is well positioned to proceed with counterterrorism investigations. It's far more difficult when there is no connection to a foreign terrorist organization, or when there's no connection to any terrorist organization—when it's just an individual or a small number of individuals who may be watching television or downloading videos or getting on websites but not actually connected to anyone whom we know to be bad, but who might themselves decide to go try something.

Threats are far more difficult when there is no connection to a foreign terrorist organization, or when there's no connection to any terrorist organization.

And in other countries, we've seen this occur. Britain has a very bad problem—homegrown terrorism problem—but there have been other cases, particularly in Europe, and it could happen in the United States. The events of last month in the Bronx—in the Riverdale section of the Bronx, which is where I happen to live—illustrate that. And what happened there was four individuals from outside of New York City—from the Newburgh area of New York—decided to carry out a terrorist attack against two synagogues in the Riverdale part of New York.

Now, they were working with someone whom we now know—it's all been revealed—was a confidential informant of the federal government, and of the New York JTTF. And that was very fortunate for us, because the JTTF was essentially able to control that operation from the beginning to end—a few spots in the middle, we didn't quite control it perfectly, but by the end, it was very well controlled. There was never any risk to the residents of Riverdale. And these individuals literally carried out their act and put what they believed to be viable bombs in front of these two synagogues, after which they were promptly arrested by the emergency services unit of the NYPD and arraigned in federal court.

And so what that shows you is that we do have, in this country, people who are willing and interested in carrying out these sorts of attacks. These four are not the only ones like that. So far, we've been fortunate. There have been no major terrorist attacks that have been successfully carried out by homegrown terrorists, but we need to be constantly vigilant. And the law enforcement agencies like the FBI and the NYPD, the New York State Police, the others that are involved—that's their job, to be constantly vigilant and to investigate these threats when they come along.

The analysts who follow radicalization have a number of different theories about what is driving this, and as a former academic—a former professor—I must say I'm not yet persuaded as to which theory is right. The NYPD

intelligence division put out a very important report about two years ago on radicalization, laying out its analysis of ten major cases of homegrown radicalization and the steps that the individuals went through. And we think that's a pretty good framework for evaluating these different plots.

It fits reasonably well to the Riverdale plot, but there are some variations that it doesn't fit exactly well. There were some steps that these individuals went through that, you know, were not fully anticipated. So, on the radicalization part of the problem, I'd say we still have a long way to go as researchers and intellectuals following this to really get a handle on what is going on in the hearts and minds of these individuals.

The sort of root-causes theory of radicalization is, in my judgment, very unpersuasive. When you look at the sort of—or try to describe, you know—the environmental, economic, social circumstances from which these individuals came and explain their terrorist intentions as emerging from that, I really think it doesn't hold water, because there are so many people coming from the exact same environmental or social or economic background who decide not to do that, or who never think to become a terrorist. So that doesn't go very far with me.

The root-causes theory of radicalization is, in my judgment, very unpersuasive.

I think you need to get further in, sort of close to the individuals themselves, and try almost psychologically to understand what is going on in their minds that leads them down this path, without trying to generalize across large swaths of the population. And, for that, I think we don't have a good theory yet. Some of the statistical work that I've seen on, for example, suicide bombers in the Middle East—Palestinian, primarily, attacking Israeli targets—I thought is a little bit stronger in a statistical sense, but among the homegrown terrorists that we've seen in the United States or people who have terrorist intent, I've yet to see a really persuasive, close-in psychological study of what's going on in their minds to make them think that this is a good idea, that this is something worth carrying out.

And I hope that emerges out of the sort of great analytic engine that we have in Washington and in federal agencies and think tanks like this. We continue to watch it at the NYPD, and we think our framework is one of the better ways to think about the problem. But as new ideas come along and as more evidence comes forward, it may require modification. The counterterrorism bureau and the intelligence division of the NYPD do not, themselves, directly engage in counterradicalization, and that's in stark contrast to the United Kingdom, where our counterparts at New Scotland Yard are directly responsible for counterradicalization and they will reach out to the communities.

We don't do that in New York. We have a community affairs bureau of the NYPD that reports to Commissioner Kelly, and he is in charge of it. But the counterterrorism deputy commissioner and the intelligence deputy commissioner are not responsible for community outreach. In part, we don't want to stigmatize the interaction with these communities, and if the counterterrorism or intelligence deputy commissioner goes to a community meeting or a mosque, it sort of sends the message that the reason we're here is we think there's a threat. And that's not the message we want to send, because the vast majority of the people from these communities—the vast, vast majority—are no threat

at all and simply want to live in peace and enjoy everything the city has to offer, which is a lot.

But our community affairs bureau does have this responsibility, and we're blessed in the NYPD with incredible ethnic and linguistic diversity. And this is a real strength. The personnel of the police department come from all walks of life and an incredible number of different countries where they were born. One of the graduating classes we attended at Madison Square Garden had, I think, sixty-five different nations represented; the cadets had been born in sixty-five different countries. And so they spoke their mother tongue and they spoke English, and we in the counterterrorism bureau and intelligence division make use of that from time to time, but it gives us terrific linguistic and ethnographic expertise when we call upon it.

Now, I want to conclude with two points about the federal government's counterterrorism effort. And the first is about prosecution and the second about grant funding to communities like New York City. On the prosecution side, there were very few high-profile prosecutions in the United States for the last seven years. That was because the Bush administration had decided, really, not to use the criminal justice system to deal with the terrorists it had captured or detained—instead, to enroll them in the military tribunal process, in some cases, to render them to third countries, but by and large, not to indict them in federal court and bring those cases forward.

And what we're seeing now, in the last—the first six months of the Obama administration—is an increasing tendency to bring these higher-profile cases into federal court for indictment prosecution. So one of the architects of the bombings in east Africa in 1998, Ahmed Ghailani, has now been brought to the southern district of New York from Guantanamo, where he had been held for almost five years, and has been indicted and will be tried there. This is raising a lot of very difficult issues for the investigators, who now find themselves required to support these prosecutions.

What we're seeing now, in the first six months of the Obama administration, is an increasing tendency to bring these higher-profile cases into federal court for prosecution.

And as, I think, the administration brings more and more high-profile terrorism cases into federal court, you will see an increasing drain on investigative resources from new investigations that haven't resulted in arrest and indictment to supporting prosecutions, because once something is before a federal judge in a federal court, the Department of Justice does not want to lose that case, understandably. It's their job to win those cases, and they are going to be very demanding about investigative support from the JTTF.

And so one of the things I think the new administration really has to watch out for is the resource commitment involved in bringing these cases forward in federal court. I'm not against that by any means; I'm just saying this is a resource management issue that the Department of Justice and the FBI need to take seriously. We watch it at the NYPD because our people happen to be marbled into that; they're doing their job and they're going to support that prosecution completely. But if you get too many high-profile cases in too many courthouses, I think there's a risk that we will have less resources to pursue new leads as they come along. And that is something to watch out for.

There's also the risk that we're going to lose these cases. You know, that's the thing about coming into federal court—you don't always win, and we need to be

prepared for the consequences of an indictment and a prosecution that go badly and result in the release of someone whom we really do not want released in the United States. Our prosecutors are very good, and they're going to do everything in their power to make sure that doesn't happen, but that's something that we just need to bear in mind as a possibility.

And finally, I am worried that some of the grant funds that have supported homeland security and counterterrorism activities across the country for the last seven years are not receiving the sort of high-level attention in Washington that they should be. We've seen these budgets slowly trickle down. The levels are shrinking; the competition for grant funding is becoming more fierce; and, frankly, the bureaucracy and the bureaucratic process that we have to go through to actually get the monies disbursed and spend them is becoming ever more onerous.

Furthermore, I see a gradual redefinition of the purpose of many of the grants that come out of the federal government. They don't seem to be focused on counterterrorism so much, at least as I understand it, but on preparedness. I think preparedness is very important. It's a federal responsibility in the Department of Homeland Security (DHS) and in the Federal Emergency Management Agency (FEMA), and both those agencies learned an important lesson at Katrina.

But preparedness is not the same as prevention, and what I am finding in a number of different grant programs that the federal government administers is that midlevel and low-level grant administration offices are increasingly disinclined to fund prevention activities and preferencing preparedness activities at the expense of preventive functions, like the things that we do at the police department. And I think that would be bad.

Many of the grants that come out of the federal government seem to be focused on preparedness.

I think a pure focus on preparedness and getting ready to clean up the consequences of an attack should not crowd out the things that the country, and particularly the American law enforcement community, can do to protect the country in the first place. And I've seen this, now, in about a half a dozen different grant programs in DHS, and I'm worried about it. The law enforcement lobby in Washington, for whatever reason, seems to be less effective than the preparedness lobbies in Washington. I don't really understand why, but that just seems to be the case.

And I'm not arguing against funding preparedness activities, but I do think it's important that policymakers in the federal government understand that there is a lot state and local agencies can do to prevent attacks in the first place and that those sorts of activities need to be supported at the federal level. So with that, Rob, I'll conclude, and if we have time for any questions, discussion, I'm happy to take it on. (Applause.)

Satloff: Thank you very much for that overview of the work of the counterterrorism division. If I can open up a question-and-answer session by asking you this, Richard: When you look out—you and your partners and the intelligence side of this—when you, together, look out at threats, what do you see? What are the most serious and urgent threats in the terrorist realm that you face?

Falkenrath: So I think the most serious threat remains international terrorism and, of that, al-Qaeda and its affiliates. This is essentially Sunni extremism based in the Persian Gulf area and in south Asia, particularly Pakistan. And the possibility that this will be successfully exported into the continental United States—again, we know that there is strategic intent to do that by the remnants of al-Qaeda and its fellow travelers.

So far—knock on wood—in the United States they have not been successful with that, but I think that carries with it the highest risk of mass casualties. Second, and sort of the threat that doesn't get as much attention but from a capability perspective is probably worse, is Hizballah. Hizballah, at the strategic level, with its state sponsors, more or less decided not to attack U.S. interests directly in the continental United States at all.

And that is good that they haven't done it. But our assessment is, if they ever change their minds, they have the capacity to inflict terrible damage on the United States, and I worry about that a lot. We haven't seen it yet, but I don't like to be in a position where our defense lies in the strategic decision of a terrorist organization. I would have greater comfort if we really had understood the capabilities of this organization better, and particularly its ability to project power into the United States.

I don't like to be in a position where our defense lies in the strategic decision of a terrorist organization.

So, in terms of international terrorism, those are the ones that we can articulate the best. In terms of the homegrown threat, it's the things we don't know about. It's a small group of individuals who embark on a path of radicalization that leads them somehow into contact with weapons of one kind or another and then the willingness to carry out an attack. And it's very difficult to describe.

We focus mostly on Muslim communities, since this is where the propaganda on the internet and the television imagery seem to have the greatest resonance, but we are not blinded to the possibility of a homegrown threat from non-Muslim sources. And that's happened periodically, the most graphic example being Oklahoma City.

Satloff: And given your own special expertise in weapons of mass destruction, can you tell us anything about the extent to which you see this as being—or this means as being —a higher priority for the adversary?

Falkenrath: The means of carrying out WMD attacks—mass destruction attacks—are becoming increasingly available with time. And we've known this for a very long period of time; it's been apparent for over a decade that the ability to acquire biological agents, chemical agents, toxic industrial chemicals, radiological agents, and even possibly fissile material is essentially growing. And the expertise needed to assemble that into a viable weapon is disseminating, and as a consequence of globalization and improved education around the world, more and more people are going to be capable of assembling this and carrying out such an attack.

So there's nothing we can do about that. The sort of background threat—the latent capacity of nonstate actors to carry out an attack like that is rising, and that rise is more or less inexorable. Intent is also there, at least among certain sectors. We've had *fatwa*s out of al-Qaeda-affiliated imams on this, endorsing the use of

weapons of mass destruction. In Afghanistan, we discovered an anthrax laboratory. After the fact, we know quite a bit about al-Qaeda's anthrax program, its biological weapons program. And we have seen some evidence of increased and residual interest among extremists worldwide in these capabilities.

The threat here is derived really from the consequences, not from the likelihood. If I had to place a bet on what did I think was the most likely attack, I would say it would be using a conventional weapon of some kind, a normal explosive, a gun, an attack on a transit system or something like that. We do not want that; we would regard that as catastrophic in New York City. But we know that the consequences would be far worse if the adversary used a weapon of mass destruction, which is harder to do, and therefore I think not as likely. But the consequences are such that we have to take it pretty seriously.

In New York City, we maintain a network of atmospheric samplers looking in the air for the main bioterrorism agents.

So what we do in New York City is, working with the federal government and our health department, we maintain a network of atmospheric samplers looking in the air for the main bioterrorism agents. The health department works very closely with hospitals and pharmacies to monitor syndromes, looking for evidence of a biological attack. We have special systems in the subways and other mass transit systems to monitor for mass symptomology. And we have the largest and most sophisticated network of radiation sensors anywhere in the world in New York City—a system that we've put in place with the help of one part of the federal government that's called the Securing the Cities Program.

Regrettably, the Obama administration elected to zero that program out in its 2010 budget, something that was hard for us to understand given that President Obama had called the threat of nuclear terrorism the most pressing threat we face. And we are working with Congress in hopes of restoring some fraction of that in the fiscal year 2010 appropriations bill.

Satloff: Thank you. With that, I'll turn the floor over to your questions, if you could be kind enough to use the mike in front of you, make sure the button is pressed in the middle where it says "push," and identify yourselves so we can all know who you are. Yes, sir.

Marc Randall, Congressional Research Service: I wanted to follow up on a comment you made about criminal predication and some of the challenges in the domestic context. As you know, of course, the attorney general guidelines were revised last year and have been characterized as lowering the threshold, to some extent, for predication for starting investigations in these cases. I wanted to ask your view about whether or not you think that's a move in the right direction to give better investigative capabilities or the opportunity to do that. And I also wanted to just ask how do those guidelines compare to what the NYPD's guidelines are for doing similar investigations?

Falkenrath: Okay. First—I'll take the second part first. The NYPD does have its own guidelines, which are modeled on the attorney-general guidelines, but they are based on the consent decree issued by a federal court governing the intelligence activities of the NYPD on a case called Hanshu that's over a decade old.

That consent decree was modified somewhat after September 11 to deal with the new threat. The attorney general guidelines come required by executive order and are now enshrined in statute—the requirement to have attorney general guidelines. In my judgment, the guidelines very badly needed to be revised, and the administration—I was pleased that the Bush administration did get that revision out. That should have probably been done earlier.

So far—I guess it's about a year that's gone by—I have perceived no discernible change in the activity at the, kind of, working level as a result of those changes in the attorney general (AG) guidelines. And I believe one of the causes of that is that the AG guidelines are really just the capstone guideline on an extraordinarily complex and hard-to-interpret set of rules and procedures that govern JTTF investigations.

And the AG guidelines are put out by the Department of Justice, which is the parent agency of the FBI, but the FBI itself has its own set of lawyers in the National Security Division, and they have various implementing protocols and procedures and handbooks and rulebooks. And the challenge of the agents and the detectives in the JTTF to interpret those rules, follow them, is really very substantial. And so to do relatively simple investigative techniques in the JTTF, there's often quite an approval process that has to be followed before it can be done.

Once that approval process is completed, the powers are substantial. But for every different type of investigative target and technique that is used, there is a different and idiosyncratic set of approvals that need to be gone through—different documentation has to be prepared; predication has to be presented—the end result being a system that is usually not very nimble. And the times when it moves fast are usually the times when the senior-most management is directly engaged and has basically determined that this is a super-high-priority investigation, at which time the system can move fairly quickly.

The AG guidelines are really just the capstone on an extraordinarily complex and hard-to-interpret set of rules and procedures that govern JTTF investigations.

Josh Meyer, Los Angeles Times: I read the intelligence report from two years ago; it was very interesting. And there were the case studies. And one of the things that you guys have tried to do, which is groundbreaking, is identify traits or characteristics or just suspicious behavior at the early stages so you can try to nip attacks or plots in the bud. Can you go into the challenges that you've had trying to balance the liberties and also try to get at criminal behavior or terrorist attacks before they're launched? I know it's—you guys spend a lot of time trying to balance those. But can you discuss that a little more?

Falkenrath: Yeah. Essentially, the intelligence division follows leads. And so if there is a lead that brings it to look at something more closely, it's able to do that. But it's not a dragnet; that would go too far, and the Hanshu consent decree makes that very clear. And so predication is required for NYPD investigations, as it is for federal investigations. And that's appropriate; that's our system of criminal justice.

One difference, though, is I think the bureaucracy at the NYPD is somewhat more compressed than it is in the federal government, which has field offices and headquarters of several different agencies involved in these things. At the

NYPD, it's really top-down and the relevant lawyers are very close to the deputy commissioner who makes the decisions. And so things can go pretty quickly.

I tell my friends in or from the federal government a story about working at the NYPD that often makes them chuckle. And it has to do with us having so little interagency process. So when you work at the White House or in a federal agency, you spend a huge amount of time going to meetings, trying to get consensus, get decisions made, get things documented properly. And you seem to spend most of your time in an interagency process of one kind or another.

And at New York, it's a very modest interagency process. Commissioner Cohen and I spend an hour every day with the police commissioner—it's just the two of us—we go through the entire range of issues we're working on and we're able to get decisions made very swiftly. And once we have that, we just proceed and execute.

Tom Diaz, coauthor, 'Lightning Out of Lebanon: Hezbollah Terrorists on American Soil': I have two questions about Hizballah, if you would. One, there's been a lot of public reporting about Hizballah increasing operations in Latin America, and I'm wondering if that's influenced your assessment of Hizballah's capabilities? And secondly, the question has always been under what circumstances would Hizballah change its mind, given its infrastructure? Do you have a scenario in mind, or scenarios, or what do you think about the possibilities of Hizballah saying, okay, now we're going to do what we can do?

The NYPD intelligence division has eleven detectives assigned in foreign capitals as liaisons to other nations' law enforcement agencies.

Falkenrath: I'm not a great expert on Hizballah or on Lebanon or Iran, but in terms of what could change, it is a direct U.S. attack on Hizballah or its state sponsor, Iran. And if that happens, then I think there is one school of thought that says they would change the rules of engagement. I don't know that for sure; there may be others—there may be other red lines, I've seen various intelligence assessments on this sort of red line question, what, if we cross over, would cause Hizballah—but direct U.S. military operations against the Hizballah leadership are regarded as one.

I mean, one puzzle for a lot of people who follow this is, how come there's been no apparent retaliation for the assassination of Imad Mughniyah, and I don't actually know who assassinated Mughniyah. But somebody did and Hizballah presumably has a theory of who did, yet as far as I can tell there's no obvious retaliation that's occurred. And the conventional analysis of Hizballah says there should be something. Maybe the shoe hasn't dropped and it's going to, or maybe they've tried and we've missed it—I don't know.

In terms of Latin America, what it says to us is they do have the capacity to operate across oceans into America. There is no question there in the Tri-Border Area of South America—there's no question there's a connection to Venezuela. So they are demonstrating global reach, which we've known they've had, at least since Buenos Aires, and this brings it home again.

Participant: Since you've just mentioned global reach, can you say a few words about the NYPD's counterterrorism global reach?

Falkenrath: Yeah. So the NYPD intelligence division has eleven detectives assigned in foreign capitals as liaisons to other nations' law enforcement agencies. They do not work out of the embassy; they are connected to another nation's law enforcement agency. And they are at the invitation of that country. In addition, NYPD detectives will routinely deploy abroad in federal capacity through the JTTF when we have to do an extradition or take statements or Mirandize a witness, or whatever it may be. The practice in the New York field office is that the FBI agents and the NYPD detectives do it together.

Mike Kraft, former senior advisor, Office of the Coordinator for Counterterrorism, Department of State: Thank you for your presentation. I had worked with one of your predecessors, Mike Sheehan, when he was in the State Department. And in his book, *Crush the Cell*—excuse the plug—he described very interestingly how the NYPD had a sort of crash program for helping educate its officers at dealing with possible threats internally. Is that type of training still going on? And is it applicable perhaps to other big police departments? And then on weapons of mass destruction, you described some of the efforts to deal with bioterrorism threats. I'm wondering if you also—do you all try to do monitoring at airports or ocean liners coming in, or is that handled by another agency?

Counterterrorism training is not a crash program anymore; it is now a daily activity.

Falkenrath: The airports—there are three other agencies at the airports. It's the Transportation Security Administration (TSA) with the outbound traffic, U.S. Customs and Border Protection (CBP) with the inbound traffic and international outbound, and then the Port Authority, which actually leases the airports from New York City and is responsible for their immediate policing. The JTTF has detectives assigned there when there is a case or when we want to investigate someone who's leaving or arriving.

For maritime traffic, once they arrive at the port, they are the responsibility of CBP and the port handler. On the water, the reigning authority is the Coast Guard, but we work extremely well with the Coast Guard—the NYPD Harbor Unit has more resources in New York Harbor than the Coast Guard does. And so we do joint boardings together, and we will conduct offshore radiological screens of incoming vessels that are determined to be at risk using a unique NYPD vessel that is equipped with advanced radiation-detection equipment. So that's on the ports.

On the training, it's not a crash program anymore, as it was when Mike Sheehan really started it. It's now a daily activity, and the intelligence division and the counterterrorism bureau personnel are very highly trained both by our own courses and we send them to other courses constantly, but we—every time we take cops off of patrol and run them in a counterterrorism capacity as I described before, we give them a series of briefings done by our civilian intelligence analyst.

And their supervisors will turn them out, tell them what's going on in the world, what they need to look out for, prepare them for any questions they have. And the morning after the arrests in front of the Riverdale synagogues, we put these personnel—we call them CRVs, critical response vehicles—in front

of almost all of the synagogues in the city, anticipating that people would have questions about what happened the night before.

And at five-thirty, six in the morning, we had our civilian intelligence research specialists explaining to all the inspectors and the lieutenants and the sergeants and the cops what had happened the night before, so that if they were approached, you know, they could give the right answer and we wouldn't get any misinformation out. So, yeah, we train them constantly. Training is a very important mission for us. We do it all the time.

Eric Schmitt, New York Times: I wonder if you could address just a couple of the potential threats—just the seriousness—as you see them. One would be the Mumbai-style attack. The NYPD sent a team shortly after that attack—did a very thoughtful assessment of that and how it might apply to American cities, including New York. Obviously, in the months since then, you've probably had time to digest that, look over those kinds of threats—maybe talk about that.

The second has to do with continuing reports of Europeans—Caucasians, essentially—being trained in the Pakistani tribal areas and going back into Europe, particularly the UK, and possibly using it as a launchpad into the United States. How do you assess that type of threat as well? Thanks.

The greatest risk of a high-casualty attack would be from European-descent radicals who have sought training in Pakistan and are somehow reinserted into their homelands.

Falkenrath: If you had to put your finger on, I think, the consensus greatest risk of a high-casualty attack on the homeland, it would be what you just described, which is European-descent radicals who have sought training in Pakistan and are somehow reinserted into their homelands. That has happened in Europe a fair bit. In the United States, I think that one of the, if not *the,* highest counterterrorism intelligence priorities is to monitor that risk.

And we've deduced that from the European experience where, you know, particularly in the United Kingdom, but also on the continent, they've had a number of pretty serious incidents that have come from European nationals going to Pakistan, completing the radicalization process in Pakistan, getting some training or last-minute motivation or whatever it is, taking it back out, and then carrying out their attack.

Mumbai we looked at very closely, and the extraordinarily sophisticated assault on Mumbai—a terrible scene that went on for far too long over there. And we, immediately after Mumbai, as you've noted, sent a team over there to study it and then, ourselves, began internal exercises, including a tabletop at the highest level of the NYPD to work out how we would deal with a similar active-shooter scenario involving multiple coordinated gunmen—a very difficult scenario for anybody to deal with. Commissioner Kelly has testified on this, so he's talked a lot about some of the changes that he has put in place in the department to better equip the NYPD in responding to that situation.

Participant: Just a follow-up if I could: The commissioner, if I recall correctly, also floated the idea of talking to media organizations and imposing some kind of a news blackout during an operation like that. As you know, during Mumbai, that's how the terrorists kept track of a lot of what was going

on and used cell phones and all that. How—what has happened to that idea or proposal?

Falkenrath: I mean, that's the sort of thing that would be handled during the incident, but clearly, if you thought that the terrorists were using the media to communicate with themselves or their handlers or their managers, you know, the relevant authorities would go to the news media and ask them to desist. I think that goes without reason, but in abstract anticipation of that, there's really not a lot to do.

It's like, if the circumstance dictates, such a conversation would occur, and it may be the NYPD that does it; it may be a federal agency that does it. But it would have to be a pretty specific circumstance to do that.

James Meek, New York Daily News: I have a radicalization question, but first, can you tell us if you've ever detected any of these white Europeans trained in the Pakistani tribal areas trying to visit the city of New York?

Falkenrath: Nothing that you haven't read about already in the paper.

Meek: Okay. (Chuckles.) So you talk about the mystery of radicalization—the ongoing mystery—how do people get radicalized? How about rejection? Can you quantify at all, by a percentage or any other way, how often it's been the case in plots—such as Riverdale, where, you know, the court papers say that you had an informant who came forward with information—where you've had cases where people have come in—either walk-ins or informants already working with authorities—who said, hey, I was in a mosque and this guy started asking me if I wanted to go blow something up, or whatever the tip-off was—tips, basically, that were actually legitimate. Is there any way to quantify how often that happens? I mean, is it quantifiable in these terrorism cases?

Falkenrath: If someone were to do it, I think it would be a very, very small percentage of the background. I've never seen data quantifying that that would satisfy me as being at all scientific. It's really more anecdotal at this stage.

Meek: So you're not seeing any great rush of people who are banging down the doors to say, you know, we really don't want to have any part of this stuff and we want to let you guys know that there's some nefarious activity going on in our communities, among us?

Falkenrath: No, no—certainly no great rush. We see enough to be worried about, but this, again, is a tiny minority of the overall community who engage in this, and it's a small fraction.

Participant: When you talk about the evolution of the threat—Europeans, for example, or different types of threats—are there certain powers or certain tools that you wish you had that you don't have that would help you address these threats?

Immediately after Mumbai, we sent a team over there to study it and then began internal exercises to work out how we would deal with a similar active-shooter scenario.

Falkenrath: I think, at the federal level, which is where, certainly, most of the international investigations are happening, the powers are all there. It's the procedures to employ them that, I think, need constant attention, and that sometimes are too cumbersome. I don't see a need for any sort of great, new legislative change of counterterrorism and intelligence authorities, but I do think some of the procedures are excessively cumbersome.

And we found ourselves—I think it was a very difficult period after the revelation of the president's warrantless wiretapping program. There was a period there of a sort of chilling effect that went through the counterterrorism community, and things were especially difficult. I think, now, with the FISA Modernization Act passing with a broad bipartisan margin in Congress that we're in a better place, and so I don't see a need for any great, new powers.

Just, I would like them to be better—somewhat more nimbly employed from time to time. And the same is true at the NYPD level; we're not seeking any new authorities. We think we've got good authorities and we have good safeguards in place to protect civil liberties and to maintain the justice and the sense of confidence that the city has in its police.

I don't see a need for any sort of great, new legislative change of counterterrorism and intelligence authorities, but I do think some of the procedures are excessively cumbersome.

David Pollock, The Washington Institute: Thank you for the presentation. If I understood the recent report from DHS about homeland security, terrorist—or counterterrorist—issues at least, the way that it was played in the press, there was more emphasis on homegrown—not Muslim, but white supremacist, racist, other extremist—kinds of activity and maybe violent activity, like the guy who shot up the Holocaust Museum or something like that. Could you comment on how you assess that different kind of terrorist potential in the New York City area? Thank you.

Falkenrath: That issue seemed to become sort of a tempest in a teapot down here. It wasn't a big issue up in New York. We see a lot of different products come out. You know, the DHS, the FBI and the intelligence agencies—they write a lot, they put a lot of things out—and that looked, to me, like just another kind of spotlight of one risk. And there are many different risks; there are many different communities that have an extreme element—a fringe—that occasionally crosses the line and carries out violent acts. White supremacists are one; the ecoterrorists are another. So there's a whole range.

And so I actually didn't follow that controversy that closely. I didn't read that paper. Maybe it was inartfully written, but putting out a paper saying that there's a possibility of acts from that portion of the political spectrum doesn't seem that controversial to me. But, then again, I didn't write it and I didn't read it real closely. Yes, sir?

Participant: I'm from the European Commission delegation here in Washington. You spoke about the reorientation of the new administration toward prosecution of terrorists in federal courts. I've read an article by the *LA Times*—perhaps by you—some time ago on the "global justice initiative," which would place federal law enforcement agents, I think from the FBI, mainly, abroad to make sure the evidence is collected in the proper way so that it can be used in

federal courts. Is this something where the NYPD is involved, as well? And is this on—I mean, is it more than a newspaper report?

Falkenrath: I don't know. I've never been briefed on this initiative; I read the same reports. I know that the administration doesn't like the term "war on terror" and was looking for a new sort of framework to describe it, and I guess global justice is it, but I'm not sure about that. But collecting information in a way that can be presented as evidence in future prosecution is an eminently sensible thing to do.

And one of the things we're finding is, in the Bush administration, in which I served, a lot of information was collected on an intelligence basis that's completely inadmissible, both in our court and in allied courts, so that when we try to return the Guantanamo detainees to foreign governments—the United Kingdom, others—or indict them in our court, the cases need to be reconstructed from scratch, which is very difficult.

So I find nothing objectionable whatsoever in collecting information in an evidentiary way, and indeed, it's been going on for some time. FBI agents are already all over the world on specific cases and investigations that come out of the New York office; they will sometimes be accompanied by NYPD detectives, and they are trained to collect information and to prepare it for possible use in a prosecution. And that's what they do. And it makes complete sense. And, as I said, one of the difficulties we're encountering is that it wasn't done for so long.

In the Bush administration, a lot of information was collected on an intelligence basis that's completely inadmissible, both in our court and in allied courts.

Jennie Gromoll, State Department: I'm very comforted, Rich, that from your bio background, you've instituted this, and obviously, your personal interest has had a lot to do with this. And I'm wondering, is Chicago, is Los Angeles—are there other police departments—I've met the Los Angeles Police Department commissioner and he's very, very aware of the scenario where there's an envelope of white powder sitting on the front seat and what does his guy do on the ground? So for all the policy we do, how does that actually work on the ground? But are you finding interest from the other police departments on having a doctor on staff, having more training in this, or is it only sort of the biological—

Falkenrath: No, in most departments across the country, they leave hazardous materials (HAZMAT) operations to the fire departments and medical issues to the local health authorities. The NYPD is relatively unusual in that it has fully qualified HAZMAT teams and is, in fact, the lead agency on many types of HAZMAT incidents. That's quite unusual. So there are some that are interested, but I'd say it's other professions that typically focus more on emergency management and the public health community.

The real problem I see at the biodetection area is essentially a loss of interest at the federal level, where we have a small, hardworking program at DHS, but it's really buried in the bureaucracy and the deadlines; the various development timetables for biodetection systems have all slipped, and the funding for the programs just gets continually slashed and is really not strongly supported at the high levels of the Obama administration or the Bush administration, in its latter years, and certainly not among the appropriations subcommittees

that appropriate the money. So biodetection, biosurveillance in major urban areas is a distant, low priority at the federal level, and we feel that in New York City a lot.

Participant: So this is a very sort of straightforward question, but it has to do with the levels of threat that are communicated—you know, red, orange, whatever. That, to me, does not make much sense, frankly. And I wonder is there a more meaningful way to designate a level of threat that the general public can understand, or is that just simply beyond the capability—

Falkenrath: Yeah, I'll—look, I was at the White House when that system was designed. In fact, I think I wrote the executive order that, uh—(laughter)—no, it's all right. And it was a product of its time, and at that time, what was happening was, first, the attorney general and, then, Tom Ridge—they were getting threat intelligence and they were communicating it to the public. So, you know, they'd go out and they'd give a press conference and say, well, we have some intelligence, we're very worried, so be on alert.

And then a month later, they'd come back and say, so be on alert. And by the third time they did it, people were like, well, didn't you tell us that last time? What's new? And so it was—that tiered system and the colors are really a product of our time. I think the Bush administration had already started walking back from it in the later years, and the Obama administration undoubtedly has no great enthusiasm for it, either. But it is useful for operational agencies to have, kind of, levels to gear toward, and to have some notch that they can go up to temporarily, as long as they know they can come back to something. But the thing became sort of a laughingstock, and became more of a political liability for whoever had to go out and give the announcement. So they really stopped using it. And if I were in those shoes, I probably would have done the same thing.

New York remains at the very top of international terrorist target lists, both symbolically and in terms of physical consequences of a successful attack.

Satloff: (Chuckles.) If I can close by asking you this question: Regrettably, New York has been targeted on multiple occasions by international terrorist organizations—radical Islamic terror. In the recent past, is there a way—do you gauge whether New York itself is as much, more or less, a focus of the ideology, the objective, the discussion among radical terror organizations and their supporters? Is it still as high as it was before September 11? Has it gone up; has it gone down? Would it be as great an achievement for these organizations to attack New York today, given what occurred eight years ago, or has the threat moved to some other great target?

Falkenrath: I think it's unchanged and New York remains at the very top of their list, both symbolically and in terms of physical consequences of a successful attack. And we don't have any statistical analysis of that question; it's anecdotal. But we continue to see it in intelligence reporting and detainee reporting. It comes up again and again. And so New York, unfortunately, has a very special place in the extremist mindset and, in a way, it's a function of the city's greatness, I think. But we certainly take it for a given. We wish it weren't so, but it seems to be the way things are.

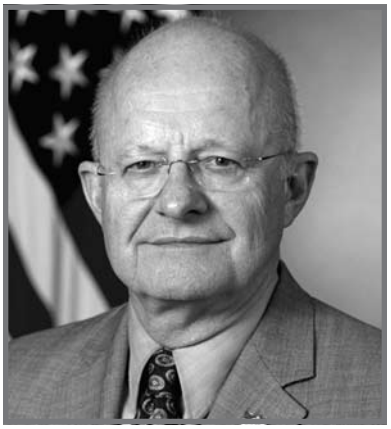
Intelligence Transformation: Meeting New Challenges in the Middle East and Beyond

Lt. Gen. (Ret.) James Clapper, Jr.

May 19, 2009
Edited Transcript

The current job I'm in is undersecretary of defense for intelligence, which is the most recently created of the five undersecretary positions in the department—about 2005 or so—and I'm the second incumbent. And my job is to oversee the intelligence agencies that are embedded in defense, meaning the National Security Agency (NSA), National Geospatial-Intelligence Agency (NGA), National Reconnaissance Office (NRO), and Defense Intelligence Agency (DIA), and oversee the four services and their intelligence activity and then other intelligence-related activities that go on in the department, but principally, in the services and the agencies.

I am in an arrangement that I suggested and that both Defense Secretary Robert Gates and then-director of national intelligence (DNI) Mike McConnell agreed to—wearing a second hat on the DNI staff as director of defense intelligence. And Director Dennis Blair has really bought in to this concept, so we're doing a lot of things together, and a simple thing like attending the DNI staff meetings each week is a great boon for coordination and communication. We're doing all of our—it's budget season right now, testimony season—so we're making the rounds on Capitol Hill and we testify together. This year, for the first time ever, we submitted a joint statement for the record, rather than having them done separately. We're looking for ways to enhance coordination synchronization between the two entities, since much of the domain that he oversees as the director of national intelligence—much of it is embedded in the Department of Defense. We're probably the biggest elephant in his living room.



■ *Lt. Gen. (Ret.) James Clapper, Jr., undersecretary of defense for intelligence*

As a holdover, leftover—whatever the right term is—from the end of the prior administration, when Secretary Gates asked me in December of 2006 if I would come back to the government again and take this job, and after I got through the confirmation process, which is something I will never do again, my wife got me one of these electronic countdown clocks, which counted down to zero on the twentieth of January. And I thought, frankly, that was going to be it—absolutely, positively my last gig in the government ever.

So then, he asked if I would want to stay on and I did, so I retired the countdown clock—for a while anyway. It is interesting, though, having the last two years of the prior administration and now this one. It's been interesting to watch

the transition, which, in our case in the department, is going pretty smoothly, obviously because of the unprecedented continuation of Secretary Gates. So that obviously facilitated the ease of the transition pain, and I think he's done a great job of bringing in and amalgamating the new people who have come to the department.

I think one of the reasons, probably, it was possible in my case is that I'm really kind of—I consider myself, at least—apolitical. In the course of forty-six years in intelligence in various capacities—thirty-two years of active duty in the U.S. Air Force—I've worked as a contractor for four companies over six-and-a-half years doing business for the Intelligence Community. As a civil servant, I came back to be the director of NGA for almost five years, and now as a political appointee. And I've taught as well at the graduate level at two institutions. So, I really consider myself apolitical and more as an intelligence professional.

And, in that forty-six-year span, now that I've officially achieved intelligence geezerdom, I do try to think in historical terms. I did a couple of combat tours in Southeast Asia—my war—particularly the first one in 1965. And I remember how intelligence was done then, and how it's done now, and the tremendous changes that have accrued, primarily because, I think, of the technology that we've been able to master—not to say there's not more to be done, but I think that's the primary change that's occurred.

You know, for me, as a lieutenant in Vietnam in 1965, automation was acetate and grease pencil and two corporals, and communications was a sixty-word-per-minute teletypewriter that did not work during the rainy season. So, we've come a long way. I served as the chief of Air Force intelligence during Desert Storm and all the difficulties we had then, particularly with moving imagery to the then U.S. Central Command (CENTCOM) area of responsibility (AOR) and the rather loud complaints from General Norman Schwarzkopf, and justifiably so, about the inability of us to move in a timely way the massive intelligence data we were collecting here, which was sort of Beltway focused, that we had great difficulties getting out to the AOR. And that has changed.

In Vietnam, in 1965, automation was acetate and grease pencil, and communications was a sixty-word-per-minute teletypewriter. We've come a long way.

Of course, I'm part of an institution that was grounded in the Cold War. And much of the fundamental attributes of the Intelligence Community today, yet, are legacies of that—the investments and the practices that we developed, some of which are outmoded anachronisms that grew out of the Cold War. Mike Hayden may not have been the first to articulate this, but I always thought it was an effective metaphor, in that, in the heyday of the Cold War, the Soviet Union, the enemy we grew to know and love and lost, and where it was easy to find our potential targets—so we did a great job of counting airplanes, ships, military formations, missiles, whatever it was.

It was easy to find, very hard to fix and finish. And now, we have exactly the antithesis of that with the kind of targets that we're pursuing today who are quite hard to find—very fleeting, very elusive—but once we do find and fix them, it's pretty easy to finish them. So that has a very profound effect on the way we do intelligence, which, of course, now as we segue into the Afghanistan-Pakistan (Af-Pak) strategy, has implications for what we're trying to do in intelligence.

The DNI and I have been working closely on that as he has set up, essentially, an Af-Pak mission manager to oversee the efforts of the Intelligence

Community as we pursue this new strategy. One of the things I've been working on hard in the department, which is actually commissioned by Secretary Gates, is what's called the Intelligence, Surveillance, and Reconnaissance (ISR) Task Force, which has been a thing he's put a lot of emphasis and focus on.

That's run out of my office by Air Force Lt. Gen. Craig Koziol, and he chairs a group of—sort of a matrix-managed organization. The basic objective is to accelerate the acquisition, the procurement, and the fielding of ISR resources. Now, in the minds of many, that simply suggests creating a solar eclipse with unmanned aerial vehicles (UAVs). And, yes, we are trying to field a lot of UAVs, which, of course, have become the staples, if you will, in this find-finish-fix cycle as we now practice it in the CENTCOM AOR.

So ISR is no longer sort of a support enabler; it kind of drives everything else. It drives operations. So there's been a voracious appetite that has arisen for as much ISR as the industrial base can turn out. But I would hasten to add that it isn't just metal in the sky, whether manned or unmanned, and we are fielding a great many unmanned aerial vehicles—Predators and Reapers and the like—as well as small, manned aircraft, which have both a signal intelligence and full-motion video capability.

Intelligence, surveillance, and reconnaissance drives everything else. It drives operations.

And so we're trying to rapidly accelerate that. Originally, the objective was to phase that in, particularly in Afghanistan, as our troop surge builds up there over the next several months. Additionally, I would be remiss, having served as director of two of the agencies for almost nine years, in not mentioning the role that the combat support agencies play, and I'm speaking specifically of NSA and NGA and DIA, the latter two of which I've had the honor of serving as director. They have a large, large presence. So all the things you hear about ops tempo affecting our military applies as well to the civilian agencies, which have also sustained eight years of ops tempo in Iraq and Afghanistan.

We have, you know, a lot of challenges—as you well know better than I, I think—in both Afghanistan and Pakistan. I was there about six weeks ago—traveled around with a former speaker here, Mike Vickers, who is assistant secretary of defense for special operations/low-intensity conflict, counternarcotics, and a whole bunch of other things I can't remember. But I think he spoke to this group in October, and Mike, as you may know, is also a holdover from the previous administration and he's somewhat of a legend in the special ops world.

So it was a really interesting and very useful tour for me, since we did a heavy focus on special operations capabilities and locations. And I saw some great examples of the really tremendous work that our Special Operations Forces—our soldiers, sailors, airmen, and Marines—do out there. And I think particularly, in personal opinion at least, in Afghanistan—which is much different than Iraq for lots of reasons, not the least of which is just the whole political arrangement there—the terrain, the size of the country, the very undeveloped infrastructure, lines of communication, etcetera, make for a very challenging, very daunting environmental situation there.

And my own view is that this is kind of built for a classic counterinsurgency kind of thing. I think we're going to win this on a village-by-village, valley-by-valley basis. And there's to be a heavy focus, I think, and I think potential for success, depending on how we manage the whole spectrum of special

operations—not just taking out high-value individuals or high-value targets, but sort of the nation-building thing, providing security locally in Afghanistan and particularly, I believe, the old saw about all politics being local really applies.

Traveling to Pakistan was extremely interesting. The last trip I had taken to Pakistan was in 1994, I believe, when I was director of DIA. And I was last in Peshawar forty years ago in 1969, and the security situation there is of great concern. Since that time, you know, the Pakistani army has engaged in Swat and used the Pakistani army to put down—regain the lost province of Swat. And I think this is actually a good sign. This, of course, in turn, unfortunately, has generated a tremendous humanitarian crisis of some 1.7 million displaced people—an estimate I heard this morning.

The objective here is to deter, defeat, destroy, and dismantle the militant sanctuaries, be they in Afghanistan or Pakistan.

And so now the army is going to have to turn to dealing with that, and they are. Gen. Ashfaq Kayani, with whom I met—Mike and I met when we were there—strikes me as a military professional trying to keep the army, which means the military in Pakistan, on the straight and narrow, nonpolitical course, which is probably going to be a challenge for him. Anyway, they just appointed the same general who ran the relief effort when they had the earthquake in Pakistan, which is another good sign. And, hopefully, that will facilitate the flow of humanitarian aid, particularly through nongovernmental organizations.

Obviously, the objective here is to deter, defeat, destroy, dismantle the militant sanctuaries, be they in Afghanistan or Pakistan. One of the things that, again, is very evident to this group, no news to you, is, you know, the Durand Line, which was laid out to separate Afghanistan and Pakistan, obviously doesn't have a lot of meaning since that doesn't comport with the tribal boundaries that exist there.

Same time, we have to remember that both countries are sovereign political entities—particularly Pakistan is very sensitive about that and about our being too intrusive. And they're very sensitive about a U.S. footprint on the ground in Pakistan. So we just have to acknowledge that and work around it.

National Security and the Rule of Law in Combating International Terrorism

Todd Hinnen

April 28, 2009
Prepared Remarks

I'd like to thank The Washington Institute for hosting me today, for having me back some two years after I had the privilege of speaking with my friend and colleague Matt Levitt on combating terrorism financing. It is an honor to speak as part of the Stein Program on Counterterrorism and Intelligence, a lecture series that has included, among others, Ken Wainstein, Donald Kerr, Charlie Allen, Juan Zarate, and Mike Leiter.

Before I address today's topic—national security, counterterrorism, and the rule of law—it is worth an aside to set forth the limits of my remarks and a brief digression to explain where I fit in the U.S. government's organizational structure, so that you have a sense of the perspective from which I approach this topic. Caution in my remarks is advised by a number of factors, not the least of which are the complexity of the issue and the ongoing efforts across a number of fronts where law and counterterrorism intersect, so I intend my comments today to be as much the beginning of a discussion as the presentation of any concrete conclusion or solution. I look forward to continuing that discussion with you at the conclusion of my prepared remarks, when I'll have the opportunity to hear your thoughts and try to address your questions.

■ *Todd Hinnen, deputy assistant attorney general for law and policy, Department of Justice*

As to perspective, I work in the Department of Justice's National Security Division (NSD), which was created in 2006 by the USA PATRIOT Reauthorization and Improvement Act. The NSD's fundamental purpose is to correct within the department the strict division between law enforcement lawyers, on the one hand, and intelligence lawyers on the other. The NSD is in its bureaucratic infancy and is still growing into its role, but it has had by necessity an accelerated childhood and has quickly become the native home within the Department of Justice of the core national security functions: collecting and sharing intelligence; investigating threats to national security; supporting action against state and nonstate adversaries; developing national security policy; prosecuting violations of our counterterrorism and national security laws; and working with foreign counterparts in each of these areas of activity.

As deputy assistant attorney-general for law and policy, I oversee a small but growing team of lawyers whose mission it is to do the 30,000-foot-level strategic thinking, policy development, and legal analysis for the department, to support the operational intelligence collectors, investigators, and prosecutors who carry

out this important work in cooperation with our partner agencies throughout the law enforcement, homeland security, and intelligence communities. It will probably not surprise you, then, that I am predisposed to view the development of an appropriate legal framework as essential to effectively combating terrorism for reasons that are both principled and pragmatic.

It is essential on grounds of principle because the law has defined this nation—a nation of laws, not of men—since its founding. "Reverence for the laws," as Abraham Lincoln observed, is the "political religion of the nation." It would by a Pyrrhic victory if, in our struggle to preserve this country against the threat of international terrorism, we sacrificed so central a part of what this country stands for and why it has been a model for the rest of the world.

It is essential on grounds of pragmatism because a lawless response to terrorism—one that includes, for instance, torture, "black site" prisons, and indefinite detention without due process—undermines our moral credibility and standing abroad, weakens the coalitions with foreign governments that we need to effectively combat terrorism, and provides terrorist recruiters with some of their most effective recruitment material. Our success in combating terrorism, then, depends in large part on the development of a comprehensive set of legal authorities that not only thwarts attacks, takes dangerous terrorists off the streets, and brings them to justice, but also strengthens international coalitions, engages the support of Muslim governments and populations around the world, and deprives terrorists of a recruitment narrative.

A lawless response to terrorism—e.g., torture, 'black site' prisons, and indefinite detention without due process—undermines our moral credibility and standing abroad.

An effective legal framework must also be enduring and fundamental. It must be enduring in the sense that it needn't be abandoned to address exigencies. It must include within its purview carefully considered authorities that allow us to respond to the next opportunity to capture an al-Qaeda operative somewhere in the world or, God forbid, the occurrence of another attack.

It must be fundamental in the sense that even while it is rooted deeply in our own legal traditions and Constitution, it must provide a common foundation on which we can engage foreign partners with different traditions and systems of law. For years, talks with foreign partners regarding how best to combat terrorism have foundered at a fundamental impasse because of the use of counterterrorism authorities outside of—and many felt, contrary to—the rule of law. Our framework should help us move past this impasse and provide grounds for constructive discussions with foreign partners and in multilateral organizations.

My goal today is to begin to sketch out the essential components of such a legal framework and to provide a brief overview with regard to where we stand with respect to each component. I begin with the fundamental proposition that an effective legal framework for combating terrorism must allow us to collect, share, and use intelligence, and either to kill the adversary in armed conflict or to capture, transfer, prosecute, and detain him.

Before I address each of these components, I want to observe some early indications that the development of such a legal framework is a priority for the new administration. In his inaugural address, President Obama rejected what he called "the false choice between our safety and our ideals" and pledged not to abandon the rule of law for the sake of expedience.

On his second day in office, he directed the attorney-general—the cabinet officer charged with enforcing the rule of law—to coordinate a review of the individuals detained at Guantanamo Bay, to chair a Special Task Force on Interrogation and Transfer Policy, and to cochair with the Department of Defense a Special Task Force on Detention Policy. That review and those task forces are assembled with support from agencies across the government and are hard at work preparing us to make the hard decisions necessary to close the detention center at Guantanamo Bay and to place our future counterterrorism efforts on firm legal footing. And in recent weeks, the administration has made a clean break with the practices of the last administration that were, to put this delicately, least amenable to existence as part of a principled and enduring legal framework. The Department of Justice has released and rejected a series of memoranda that are widely regarded as an effort to bend the rule of law to support conclusions that are fundamentally antagonistic to it.

One final cautionary note, before I turn to the components of a legal framework. The framework is premised on the concept that if it is well designed and comprehensive, it will not allow problems to arise to which it does not also offer a solution. It may be, however, that even such a legal framework will struggle to address some of the very difficult legacy issues that arose before it existed. Part of evolving toward such a legal framework is grappling with these legacy issues.

To begin with, an effective legal framework to combat terrorism must establish broad intelligence collection authorities that respect citizens' privacy and guard against abuse. The comprehensive intelligence collection regime for signals intelligence provides an example of how such authorities must evolve to keep pace with changing terrorist tradecraft and emerging technologies. Under Executive Order 12333, agencies within the Intelligence Community are authorized to conduct foreign intelligence surveillance overseas. Traditionally, FISA—the Foreign Intelligence Surveillance Act passed in 1978—allows the government to collect foreign intelligence surveillance from an agent of a foreign power in the United States. And the FISA Amendments Act, passed last year, provides authority to conduct foreign intelligence surveillance against individuals reasonably believed to be overseas but who use communication facilities in the United States. Our collection of signals intelligence anywhere in the world fits within the Executive Order and the statutory framework and is subject to the safeguards and privacy protections that they contain.

An effective legal framework to combat terrorism must establish broad intelligence collection authorities that respect citizens' privacy and guard against abuse.

Conducting interrogations of captured terrorists who may have valuable information is an essential part of collecting intelligence. On this score, rather than offer my own thoughts, let me simply quote two warrior-philosophers who lived millennia apart. In approximately 500 BC, Sun Tzu wrote in the *Art of War* that it was imperative to "treat the captives well and care for them," noting that doing so would render them more cooperative and more governable, and would demonstrate the greatness of the leader who captured them. Some 2,500 years later, Gen. David Petraeus wrote to the men and women of the Multi-National Forces in Iraq as follows:

> Adherence to our values distinguishes us from our enemy. . . . Some may argue that we would be more effective if we sanctioned torture or other expedient methods

> to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone 'talk'; however, what the individual says may be of questionable value. . . . What sets us apart from our enemies in this fight, however, is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect. While we are warriors, we are also human beings.

As these two quotations suggest, we should use every lawful means to obtain accurate and reliable information from captured terrorists, but our law reflects the wisdom of Sun Tzu and the honor and integrity of General Petraeus. It clearly prohibits torture.

Intelligence is not collected for its own sake, but rather to guide our efforts to act against terrorist organizations. An effective legal framework must therefore also allow intelligence sharing—among our own law enforcement, homeland security, and intelligence officers and with foreign partners in the fight against terrorism. We have made great steps in this area in recent years to render intelligence actionable by ensuring that it is shared with those best positioned to use it.

The removal of the wall between law enforcement and intelligence agencies, the creation of intelligence fusion centers like the National Counterterrorism Center, and the synchronization and coordination of all of the members of the Intelligence Community under a single director of national intelligence increase our ability to share and use intelligence. Executive Order 12333 again ensures that such agencies retain or disseminate intelligence concerning U.S. persons only in accordance with procedures established by the head of the agency concerned and approved by the attorney-general.

An effective legal framework must allow intelligence sharing among our own law enforcement, homeland security, intelligence officers, and foreign partners.

Briefly, and perhaps parochially, I want to mention a feature of our legal framework that allows us to use intelligence while at the same time protecting it: the Classified Information Procedures Act (CIPA). CIPA creates comprehensive procedures to regulate the use of classified information in a criminal case. Generally speaking, CIPA allows the government to protect from disclosure classified information not relevant to the resolution of a criminal case, and to protect classified information that is relevant by allowing the government to substitute an unclassified summary of the evidence that preserves the defendant's right to challenge it. Any legal process for adjudicating the detainability or guilt of a terrorist suspect is likely to rely heavily on classified information gathered through means that must be protected. As our legal framework to combat terrorism develops, we may need to refine our use of CIPA to ensure that we achieve CIPA's tripartite objective of allowing the government to use intelligence, protecting important intelligence from public disclosure, and offering the subject of the legal proceedings a meaningful opportunity to contest the accuracy and reliability of the information on the basis of which he is being held or prosecuted.

An effective legal framework for combating terrorism will also allow us to act against the adversary, drawing on a full spectrum of authorities and, as the catchphrase now goes, leveraging all instruments of national power. The Supreme Court clarified in the case of *Hamdan v. Rumsfeld* that where our efforts to combat terrorism most closely parallel traditional armed conflict,

Common Article 3 of the Geneva Conventions provides the legal framework in which we act.

Our success in combating terrorism stems in part from the fact that we complement strength of arms with a number of other authorities for disrupting terrorist networks, and I want to mention two of them briefly. I know this audience will be familiar, because of the great work of Matt Levitt and Mike Jacobson, with our ability to isolate and deprive terrorists and terrorist organizations of resources by designating them for sanctions.

By designating a terrorist organization, we make it a crime to offer any material support to that organization, we prevent it from raising and transferring funds, we ask foreign partners to prohibit its members' travel, and we prohibit them from possessing certain arms. I know you are familiar with our successes in this area, both domestically and working through the United Nations, due to the vision and hard work of Juan Zarate and others at the Treasury Department and across the government, and I won't dwell further on them.

Another effective but seldom-discussed legal authority for combating terrorism is export control of military and dual-use items to state sponsors of terrorism. The National Security Division works with Immigration and Customs Enforcement, the Federal Bureau of Investigation (FBI), the Department of Commerce, and the Department of Defense to expand export-control training for investigators and prosecutors around the country, enhance guidance on export-control enforcement for federal prosecutors nationwide, create counter-proliferation task forces in federal districts across the country, and coordinate with export licensing agencies to facilitate greater communication among the agencies. This initiative has led to a steady rise in the number of export-control cases prosecuted by the Justice Department, including a recent guilty plea by a defendant to conspiring to export military aircraft parts to Iran, as well as indictment of an Iranian man and his company for an international scheme to supply Iran with helicopter engines and advanced aerial cameras for fighter bombers.

Another effective but seldom-discussed legal authority for combating terrorism is export control of military and dual-use items to state sponsors of terrorism.

These are just two of the broad spectrum of legal authorities we use to fight terrorism. We should continue to develop, refine, and incorporate into our legal framework a full spectrum of options for acting against terrorists and terrorist networks.

The legal framework must also include the ability to take those we or our foreign partners have authority to prosecute or detain into custody and transfer them to face justice. We must continue to develop a rendition program governed by law.

The practice of rendition—taking an individual into custody in one foreign country and transferring him to the United States—was first addressed by the Supreme Court in 1886 when members of the Pinkerton Detective Agency kidnapped a criminal fugitive in Peru and forcibly returned him to the United States to stand trial. The court held that the fugitive could not claim any violation of the laws or Constitution of the United States as a means of avoiding prosecution. The court reached a similar conclusion when in 1990 Drug Enforcement Administration (DEA) agents arranged for bounty hunters to abduct and bring to trial in the United States a Mexican physician involved in the torture and murder of a DEA agent by a Mexican drug cartel.

Rendition has been used to bring terrorists to justice in American courts as well. Mir Amal Kansi was captured in Afghanistan and rendered to the United States to face justice for shooting two Central Intelligence Agency (CIA) employees in 1993 as they sat in their cars awaiting entry into CIA headquarters. Omar Mohammed Ali Rezaq, who was released by Malta after serving only seven years for the 1985 hijacking of EgyptAir Flight 648, which resulted in sixty deaths, was captured in Nairobi and rendered to the United States to stand trial. He was sentenced to life in prison.

The United States has used extraordinary rendition as well, that is, the transfer of a terrorist captured in one foreign country to another foreign country rather than to the United States to stand trial. According to Michael Scheuer, then the head of the CIA's Bin Laden Unit, the extraordinary rendition program against al-Qaeda and other violent Islamic extremists began in 1995. He has testified that the original goals of the program were to take dangerous terrorists off the street and exploit the intelligence value of documents in their possession. Interrogation was not one of the original objectives, because the CIA viewed as unreliable interrogation by a foreign intelligence service that might use coercive methods. Scheuer further testified that international terrorists were originally rendered only to countries where they had been charged with a crime.

Rendition, even extraordinary rendition, can be an effective means of capturing terrorists and transferring them from failed or uncooperative states to states where they will face justice.

Rendition, even extraordinary rendition, can be an effective means of capturing terrorists and transferring them from failed or uncooperative states to states where they will face justice. Our legal framework for combating terrorism, then, might establish a process and system of safeguards that allows for rendition to justice but prohibits rendition for the sole purpose of interrogation or detention without according the subject some measure of due process.

An effective legal framework for combating terrorism will also include some adjudicative framework for verifying that the individual is in fact a terrorist and, whenever possible, trying him for his crimes. Here, I want to focus briefly on military commissions and the possibility of trial in federal criminal court. Three individuals have been convicted in the military commission system at Guantanamo Bay. Australian national David Hicks pled guilty in 2007 and was returned to Australia, where he served the remaining nine months of his seven-year sentence. Salim Hamdan was convicted on material support of terrorism charges but acquitted on conspiracy to commit terrorism charges and sentenced essentially to time served. He was transferred to his home country of Yemen in November 2008 and released in January 2009. Yemeni national Ali Hamza Ahmad Suliman al-Bahlul was convicted, after boycotting his trial before a military commission in November 2008, of providing material support to al-Qaeda and soliciting murder. He was sentenced to life in prison.

President Obama described the military commission system as it currently exists as "flawed" and suspended all further proceedings before the commissions on January 22, 2009. One of the questions facing us as we strive to implement the president's Executive Orders is whether the military commission system can be reformed to provide a fair forum for prosecution.

We have had significant success using federal courts to try those who violate U.S. terrorism laws, and we have worked over the years to ensure that those laws are broad in scope (encompassing acts taken in support of or preparation for

terrorism) and long in reach (applying extraterritorially). Blind Sheikh Omar Abdulrahman and al-Qaeda lieutenant Ramzi Yousef were sentenced to life in prison for their role in the 1993 World Trade Center bombings. Four individuals were sentenced to life in prison for the 1998 American embassy bombings in Dar es Salaam, Tanzania, and Nairobi, Kenya. Ahmed Ressam, the "Millennium Bomber" who plotted to blow up Los Angeles International Airport, was convicted and sentenced in 2005 to twenty-two years. Shoe bomber Richard Reid, "twentieth hijacker" Zacarias Moussaoui, and Taliban recruiter Ali al-Timimi were all tried for their crimes, and all sentenced to life in prison. These individuals are no longer a threat to the United States. They've been taken out of the equation. Al-Qaeda doesn't use them to recruit or rally to their cause, and their imprisonment doesn't drive a wedge between us and the foreign partners we need to effectively combat terrorism. Trial in a federal criminal court may not always be possible, but where it is, it is an effective and essential part of our legal framework for combating terrorism.

Detention

As I mentioned earlier, the president has directed a special interagency task force to examine the last facet of our legal framework: the authority to detain terrorists. I will not presume to prejudge the work of the task force by offering my own prescription in this area, and will limit myself instead to observing some of the legal guideposts.

In a government pleading in the litigation regarding those detained at Guantanamo Bay, the government recently abandoned the term "enemy combatant" as the touchstone for detention and tied detention authority firmly and directly to the Authorization to Use Military Force passed by Congress in the wake of September 11. Under its terms, the president has the authority to detain those who planned, authorized, committed, or aided in the September 11 attacks, or those who are part of, or substantially support, the Taliban or al-Qaeda. This authority, the government asserted, exists not just in what might traditionally be thought of as active zones of conflict; rather, it extends to those who are part of or provide substantial support to al-Qaeda in other parts of the world as well.

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The Supreme Court has made clear that, except for detention in an active conflict zone following capture, it will scrutinize the legal basis for detention. Last year, the Supreme Court clarified in *Boumediene v. Bush* that individuals detained at Guantanamo Bay have a constitutional right to contest their detention in federal court, and this spring, a federal court in the District of Columbia extended that right as well to three individuals allegedly captured outside of Afghanistan but transferred for detention to the American-run prison at Bagram. The district court, applying the multifactor test set forth by the Supreme Court in *Boumediene*, held that an Afghan citizen captured elsewhere and transferred for detention to Bagram was not entitled to habeas corpus. The government has sought a stay of this decision to prevent the three habeas cases from proceeding, and asked that the court certify it for interlocutory appeal.

The principle reflected in these cases would appear to be that an individual captured in one foreign country and transferred to U.S. detention in another foreign country of which he is not a citizen is entitled to challenge his detention

in federal court. Both as a result of the work of the special task force and as a result of the ongoing litigation regarding the legal bases for detention, it is clear that we will see further developments in this facet of the legal framework in the coming year.

Conclusion

This is a brief overview of our progress in developing a legal framework for effectively combating terrorism. We have work yet to do to develop and refine this framework and to encourage our foreign partners to develop their own so that terrorist organizations cannot hide anywhere in the world from the power of the rule of law.

"When we resort to force, as now we must, we are determined that this force shall be directed toward ultimate good as well as against immediate evil."

Our further efforts to ensure that our framework is principled and pragmatic, enduring and fundamental might be informed by the guidance offered by another American president as the country faced another defining challenge. On December 7, 1941, Japan launched without warning an unprovoked attack on American naval forces at anchor in Pearl Harbor. It was the deadliest single day for Americans in more than two generations, with more than 2,400 dead (at the Battle of Antietam during the Civil War, more than 4,700 were killed in a single day). On December 8, President Franklin Delano Roosevelt delivered his famous "Day that will live in infamy" speech as he sought from Congress a declaration of war. Only two days after the attack at Pearl Harbor, faced with the enormity of war, he offered the country in a fireside chat a guiding principle that might serve us as well today as we fight terrorism as it served the country then in its fight to defeat fascism. He said, "When we resort to force, as now we must, we are determined that this force shall be directed toward ultimate good as well as against immediate evil." We would be well advised to keep those words in mind as we continue to develop a legal framework to combat terrorism.

Thank you again to The Washington Institute for hosting me today. Thank you for attending. I look forward to your comments and your questions.

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