THE UNITED STATES AND COUNTERTERRORISM: HISTORY, MEASURES, AND LESSONS

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Introduction

In 2005, the Netherlands Ministry of Justice Research and Documentation Center [WODC] undertook a research project to survey the response of other countries to radicalism and terrorism. Specifically, they sought to learn what counterterrorism measures were implemented in the US, Israel and other European countries. The rationale behind the project was to provide information for the National Coordinator for Counterterrorism [NCTB], to assist in the development of a threat assessment and policy plan due by the end of 2005.

In order to learn from the experiences of other countries, the WODC project identified researchers from those nations who could create an inventory of counterterrorism policies undertaken in their homelands. This inventory would also include some background and context material on the measures, and provide any available information on implementation and execution issues. Although the WODC recognizes that nations may differ on many characteristics, there may be important common lessons that could benefit the Netherlands. In this report, we summarize US counterterrorism, with our focus being on policies undertaken at the federal or national level.

The US is very different from the Netherlands; size, culture, and military power are but a few of the distinguishing factors between the two nations. We also do not assume that successes or failures in the US will play out in the same way in the Netherlands. Both nations, however, are very concerned with the threat posed by radicalism and terrorism, and would be shortsighted not to understand counterterrorism developments around the globe. Although the Netherlands has experienced an increase in radicalism and one high-profile murder of a Dutch filmmaker, it has not yet experienced the large-scale attacks on civilians played out in other nations in recent years. The hope of the NCTB and the WODC is that this can be avoided.

This kind of preventative thinking is wise. Despite a long history of political violence in the US, terrorism was not ‘on the map’ amongst US criminologists – with the exception of a handful of researchers – before 9-11. Citizens may have been more perceptive. In 1999, US citizens were surveyed about their views on the 21st Century. They rated the threat from international terrorism as the number one critical problem facing the US.  \(^1\) The US government did recognize the threat, but were surprisingly inefficient in light of new dangers and warning signals.  \(^2\)

On September 11, 2001, 19 young men of Middle Eastern descent hijacked four jetliners on domestic US flights. The men were operatives of a foreign terrorist group known as al Qaeda, headed by Usama bin Laden. Within a few hours of the hijacking of the first plane, the US financial center at New York City’s World Trade Center Twin Towers was in ruins, the US military center at the Pentagon was burning, and another plane – believed to be headed for either the White House or the US Capitol Building - crashed in a rural Pennsylvania field. Over 3,000

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civilians had been murdered, making September 11th (hereafter 9-11) the single worst foreign attack on US soil.3

The 9-11 attack also brought about a sea change in the nature, scope and intensity of the US counterterrorism response. Although the US had long been a major target for both national and international terrorism, the level of organization and patience demonstrated by the terrorists and their willingness to embrace suicide operations has elevated fears about America’s vulnerability to terrorist attack. The US response since 9-11 has included a number of initiatives on many fronts, including military action. Billions of dollars are being spent on homeland security. Some of these counterterrorism actions were implemented before 9-11 but were intensified or expanded in scope, sometimes dramatically so. Other strategies were new and enacted after the attacks. Whether old or new, some counterterrorism measures have been criticized for impeding on the rights of US citizens or violating human rights standards. The 9-11 attack has also been used to provide full or partial rationale for two wars, with thousands of civilian and military deaths in Afghanistan and Iraq.

In this report, we begin by providing a brief summary of methods and limitations, followed by definitional issues. We present a brisk history of terrorism and counterterrorism in the US, with an emphasis on the relatively modern era since 1970. We then describe US counterterrorism efforts using the classification created by the WODC for this project. Our report concludes with a discussion of lessons learned for the US and the Netherlands and how we can build upon this preliminary effort.

Methods and limitations

Our plan was to use systematic review strategies to identify, retrieve and screen the US counterterrorism literature, and to then prepare careful one-page synopses on each identified policy. Unfortunately, we quickly became overwhelmed with the sheer number of documents available on the topic, even at just one website. For example, the Rand Corporation’s Terrorism and Homeland Security and National Defense research areas have produced scores of reports on the topic. The number of official government reports on the topic is also staggering. In hindsight, this should not have surprised us. Coinciding with the massive mobilization in US counterterrorism policies since 9-11 is a steep increase in the professional and academic literature. Lum and her colleagues identified over 15,000 peer-reviewed articles relevant to terrorism, and most of this has been published since 2001.4 There are many agencies doing many things on many fronts in counterterrorism, and a report this size could have been written about a single agency such as the FBI or CIA rather than trying to cover all of these entities in one document. Thus, we focused on official documents and selected literature within the time frame allotted.


4 Cynthia Lum, Leslie Kennedy and Alison Sherley, no date, The Effectiveness of Counterterrorism Strategies: A Campbell Systematic Review. We note that this is an unpublished report that has not completed editorial review nor been officially approved by the Campbell Collaboration.
Another complication to this research is that government policies often have multiple aims. There are many efforts to improve the nation’s infrastructure, i.e., transportation, industry, cyberspace, and financial systems. Some of these were originally defined as safety measures, but are now being redefined as counterterrorism. For example, security efforts to improve industrial plant storage of toxic chemicals will not only reduce accidental discharges, but they will also likely reduce the opportunity of - or minimize the harm from - terrorist attack. The government is now classifying such multipurpose actions as counterterrorism (critics charge that this is to justify the huge expenditures in counterterrorism since 9-11), but they would just as easily be viewed as industrial safety and accident prevention efforts before the ‘war on terror.’ Similarly, some foreign policy strategies, from dealing with peace in the Middle East to the war on Iraq, have been redefined as part of the war on terror. Given the impact of US policies on anti-American views around the world, this may be wise, but a report like this becomes difficult if everything a nation is doing is conceivably relevant to counterterrorism.

Another limitation of this report is that it only covers strategies that are publicly known or accessible. Some strategies to counter terrorism are classified and private, and only shared to government leaders. For example, the US has a secret plan to protect the nation’s transportation system, with the classified plan to be shared only with those who own and operate the transport systems. An unclassified version may be released later.5

**Definitions and Classification**

We largely rely upon official reports to identify counterterrorism. It is useful to have a careful definition of what terrorism is before efforts to counter it can be described.6 For this report, we use the definition as found in the Administration’s own reports, although other federal agencies may have slightly different iterations.7 The White House appears to have adopted the definition8 as codified by the US Criminal Code (federal criminal law): “…premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.”9

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6 Researchers have noted how difficult it is to define terrorism. On the one hand, one person’s terrorist act might be considered by another to be the work of a “freedom fighter.” Insurgency against brutal and inhumane governments may be defined as terrorism, although many persons of good will would agree and support such revolution. For example, Flynn notes that the acts of insurgency by French citizens against Nazi occupation could be defined as terrorism, depending on who does the defining. Researcher Alex Schmid located 109 definitions for his research. Problems with how terrorism is defined are important, because they lead to difficulties in counting incidents, and analyzing and reporting on terrorism data. The FBI’s insistence that terrorism include two or more individuals ignores the wide range of terrorism carried out by individuals.

7 For example, the FBI definition of terrorism is “…the unlawful use of force and violence against persons or property to intimidate or coerce a Government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”

8 For example, in *The National Strategy for Combating Terrorism*, (White House, February 2003, Washington, DC), terrorism is defined as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.”

Although definitional issues are not as contentious with counterterrorism, there are some researchers who restrict such measures to include only offensive actions designed to identify, prevent or destroy terrorists or their threat. Others would define it more broadly, and also include response to a terrorist threat or act, such as efforts to minimize damage. This is the approach used by the NCTB and WODC. It classifies counterterrorism policies into nine categories, which we modify slightly here into eleven broad groupings of policies:

- Intelligence
- Prevention and driving back of radicalization and development of extremism
- Providing information to the general public
- Measures in the field of immigration and asylum
- Granting special competence to police, customs, prosecutors and other officials
- Institutional developments
- International cooperation and information sharing
- Counteracting financing of terrorist organizations
- Securing the nation’s infrastructure
- Crisis preparation, management and response
- Other

A brisk history of US terrorism and counterterrorism to 9-11

Although the term terrorism was actually first used to describe “the reign of terror” during the French Revolution, the term became associated in the US with anti-government violence, such as those committed by anarchists in the early 1900s. For example, in 1920, anarchists loaded a
horse cart with dynamite and exploded it in New York City’s financial district, killing 40 and wounding about 300 persons.\textsuperscript{13} To combat anarchists, some law agencies began to develop information or “intelligence” on individuals, suspects, and associates involved with anti-government operations. Intelligence analysts also began to collect information on organized crime members.\textsuperscript{14}

In 1947, the Director of Central Intelligence office was created and coordinated national security intelligence from various government departments. DCI identified with the CIA and foreign intelligence and the FBI focused on domestic intelligence, particularly collecting information on anti-American groups and subversive activities. Sharing of information, however, between the FBI and DCI was slow, as the different agencies had distinct missions and culture. For example, the FBI’s focus was on building a case meeting legal standards for arrest and prosecution. The DCI also had no control over intelligence budget and operations. Finally, there was – despite the FBI’s actions – aversion to using intelligence against US citizens.\textsuperscript{15}

In the 1950s, terrorists fighting for an independent Puerto Rico (Puerto Rican nationalists) tried to assassinate President Truman, and also attacked the US House of Representatives. By the late 1960s, expansion of television journalism and increased media coverage provided a vehicle for terrorists to get their message out.\textsuperscript{16} Not surprisingly, a number of left wing terrorists - who objected to US policies such as the Vietnam War or on civil rights - engaged in violence and vandalism, seeking to bring about a ‘revolution.’ These acts, even though they sometimes resulted in death, were often viewed as local crimes and as social or political nuisances, because the groups were small and the damage contained.\textsuperscript{17} Despite the media coverage, the goals of these left-wing terrorist groups received little support from the American people, and they eventually disbanded or became largely ineffective.

The early 1970s ushered in the era of modern terrorism. In an eerie foreshadowing of 9-11, members of the Peoples Front for the Liberation of Palestine simultaneously hijacked four New York-bound airliners carrying more than four hundred passengers. All landed safely, but the passengers were held for three weeks before being released.\textsuperscript{18} In 1972, President Nixon created a Cabinet Commission to Combat Terrorism following the high-profile terrorist attacks on Israeli athletes at the Munich Olympics and other incidents. A working group was also created to deal

\textsuperscript{13} The White House, \textit{The National Strategy for Combating Terrorism}, February 2003, Washington, DC.


\textsuperscript{15} Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, \textit{Coordinating the War on Terror}, Santa Monica, CA: Rand Corporation.


\textsuperscript{17} Michael R. Ronczkowski, 2004, \textit{Terrorism and Organized Hate Crime}, Boca Raton, Florida: CRC Press. Ronczkowski credits Ted Robert Gurr for writing an article on political violence that exposed these acts as terrorism.

with issues such as aircraft security and visa reform, and the US became a party to international agreements put into place to combat terrorism.\textsuperscript{19}

The fear that foreign terrorists might attack on US soil was likely first expressed during the Ford Administration (1974-1976). Under President Carter (1976-1980), the National Security Council coordinated counterterrorism and the Cabinet-level commission established by Nixon was abolished. The “foreign/domestic divide” was reinforced: the US State Department would have oversight for foreign terrorism and domestic terrorism would fall under the purview of the FBI.\textsuperscript{20}

During the mid-1970s, the National Advisory Committee on Criminal Justice Standards and Goals was convened to address a wide range of topics relevant to policing, courts, corrections, offenders and victims. They also created a typology of terror, which seems to have held up for 30 years, although the current Jihadist threat does not seem to fit snugly in any one category. They classified terrorism into six major subtypes:\textsuperscript{21}

- **Nonpolitical terrorism**: the creation of fear for coercive purposes, with the goal of individual or collective gain. This category includes acts of terrorism by the mentally deranged.

- **Quasi-terrorism**: application of the techniques of terrorism in certain situations, such as the taking of hostages. This category also includes pseudo-political criminals who rationalize their crimes as natural responses to governmental oppression.

- **Limited political terrorism**: ideologically or politically motivated terrorism, such as assassinations or bombings, but fall short of trying to overthrow governments. This category includes political extremists.

- **Official or state terrorism**: governmental rule based on fear, oppression, and persecution.

- **Political terrorism**: violent, criminal behavior designed to create fear in a society for political purposes. When fully developed, it is revolutionary in character and seeks to subvert or overthrow a government.

\textsuperscript{19} Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, *Coordinating the War on Terror*, Santa Monica, CA: Rand Corporation.

\textsuperscript{20} Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, *Coordinating the War on Terror*, Santa Monica, CA: Rand Corporation

• **Narco-terrorism**: alliance between organized crime and politically or religiously motivated terrorism groups.22

President Reagan (1980-1988), elected on the heels of President Carter’s apparent failure during the Iran hostage crisis, was the first US leader to enter his term with terrorism as a top priority, particularly targeting state-sponsored terror by the Soviet Union and its satellites.23 A small interagency committee that supported NSC Principals was set up to coordinate counterterrorism.24 Though the Reagan Administration elevated terrorism to a priority issue, there were difficulties in implementing some of his plans.25 For example, then-Vice President George Herbert Bush’s call for an intelligence clearinghouse in the early 1980s did not resonate. Moreover, the CIA and FBI response to terrorism largely went unchanged despite President Reagan’s policy directives. The 1986 Vice Presidential Task Force on Terrorism issued directives with few ever carried out.

Nonetheless, there were successes. During this time, the US faced generally secular and nationalist foreign terror groups, many of which depended on active state sponsors. In 1988, Libyan terrorists planted a plastic explosive (called semtec) inside a cassette recorder on a Frankfurt-London-New York international flight. The bomb exploded over Lockerbie, Scotland, killing over 200 passengers — mostly US citizens - and several persons on the ground. After several years, an intelligence agent named Abdel Baset Al-Megrahi was convicted (another Libyan, Al Amin Kalifa Fhimah, was acquitted). Although not formally charged, the Libyan government headed by Moammar Gadhafi was suspected of sponsoring the attack.26 Despite the Lockerbie plane bombing and other state-sponsored (or suspected as such) terrorist attacks, analysts surmise that years of sustained counterterrorism efforts, diplomatic and economic isolation, and other factors have led state sponsors to curtail or disband their overt support of terrorism. It is also speculated that the collapse of the Soviet Union accelerated the decline of state sponsorship of terror, because of its strong support for certain terrorist groups and state

22 There is some evidence that terrorist groups are using narcotics business to support their activities. See Ed Blanche, 2004, “Multibillion $ illicit drug sales fuel terror offensive,” *Middle East Journal*, pp. 46-47.


25 Reagan also failed to recognize the emerging threat posed by Muslim extremists, despite the 1983 suicide car bombing of the US Embassy in Beirut that killed 63 persons, including 16 Americans. Hezbollah, using the code name “Islamic Jihad,” is believed to be responsible for this terrorist act. This was followed by a suicide bombing of the US marine barracks in Lebanon, killing over 200 soldiers. Hezbollah (with help from Syria and Iran) was suspected in the crime.

26 Albini notes that despite the statement by governments that they do not ‘negotiate with terrorists,’ negotiation is often part of their strategies. For example, in order to bring to trial the two Libyan citizens suspected for the Pan Am 103 1988 bombing, governments agreed that no charge of Libyan government sponsorship could be made during the trial. See Joseph L. Albini, 2001, “Dealing with the modern terrorist: The need for changes in strategies and tactics in the new war on terrorism,” *Criminal Justice Policy Review*, 12 (4):255-281.
sponsors. Still, the US continues to monitor Iran, Syria and other nations that have long been suspected of exporting terrorism.

Indeed, the former Soviet Union was considered the greatest threat to US interests worldwide before 1990. From the end of World War II to the collapse of the Soviet Union in 1991, the Cold War of indirect battle and conflict – including the massive build-up of weapons of mass destruction – preoccupied US attention on the foreign front. With the end of the Cold War and the perceived Soviet threat, and apparent failure of communism in the world, the US appeared on the brink of a peaceful existence on the global stage. Consequently, terrorism dropped as a priority under George H. Bush (1988-1992), with the end of the Cold War. The US State Department’s Coordinator for Counterterrorism (S/CT) took over interagency coordination. Responsibilities of the S/CT included using diplomacy and international cooperation (e.g., leading interagency teams to work in different countries; holding regional conferences and summits) in order to build a ‘network of cooperation’ around the globe.

Under President Clinton (1992-2000), terrorism again reemerged as a major issue. One major threat was from domestic groups. During the 1980s and 1990s, right-wing militia and survivalist movements posed a significant terrorist threat. Many of these groups share the same ideology: the federal government has no right to interfere in state and county affairs, and that citizens have an unlimited right to bear arms and to refuse government orders to register weapons. Some of these groups come to the attention of authorities because of their large arsenal of weaponry. Some right-wing militia and survivalist groups are white supremacists, and see the world as the work of vast Jewish conspiracies, and they hold non-whites in suspicion or contempt. This threat was crystallized in 1995, when Timothy McVeigh and others carried out the bombing of the Murray Federal Building in Oklahoma City, Oklahoma, killing nearly 200 persons, mostly federal workers. Though McVeigh was not officially a member of any right-wing militia group, he apparently identified with their ideals and carried out the bombing as revenge for the US government’s actions at Ruby Ridge and Waco. He was executed in 2001.

28 Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, Coordinating the War on Terror, Santa Monica, CA: Rand Corporation.
29 Philip C. Wilcox, “Combating International Terrorism,” Testimony by Ambassador Philip C. Wilcox, Jr., Coordinator for Counterterrorism before the House of Representatives, Permanent Select Committee on Intelligence, Washington, DC, March 5, 1996.
30 The FBI Project Megiddo Report is an analysis of anticipated terrorist threats at or after the millennium. It focuses on the threat from right-wing militia groups, apocalyptic religious cults, and other groups. See the FBI Press Release, October 29, 1999, at http://www.fbi.gov/pressrel/pressrel99/militias.htm.
The Clinton Administration also faced the first foreign attack by extremist Muslims on US soil. On February 26, 1993, a small group of plotters exploded a truck filled with 1,000 lbs. of dynamite exploded in the basement of one of the Twin Towers of the World Trade Center. The explosion killed six and injured 1,000; these terrorists hoped that one tower would topple and bring down the other. The FBI later exposed a network of individuals who were also plotting to blow up several New York landmarks and key infrastructure, including the United Nations building, the George Washington Bridge, the Lincoln and Holland Tunnels, and the FBI Building.33

Clinton revived NSC’s coordinating role, forming the “Coordinating Sub-Group of the Deputies for Counterterrorism,” later renamed the Counterterrorism Security Group (CSG). CSG included regular meetings of top officials from agencies involved in counterterrorism including the FBI, CIA, State, NSC, Justice, and Defense. The CSG Director was given the title “National Coordinator for Security, Critical Infrastructure and Counterterrorism,” and soon gained authority to assemble integrated threat assessments as well as providing advice on budgets.34 Clinton also issued a presidential directive and promoted an expansive legislative package targeting terror, though it was not until the US PATRIOT ACT in 2001 that most of its provisions were enacted.35 Having experienced the first World Trade Center attack and the Oklahoma City bombing - and with the 1995 sarin gas attack on Tokyo subways by the religious cult Aum Shinrikyo - Clinton was concerned about the prospects of a catastrophic attack should terrorists get their hands on weapons of mass destruction.36

Under President George W. Bush’s (2000-) administration, CSG was immediately reformed as the “NSC Principals Committee on Counterterrorism and National Preparedness.” NSC retained its overseas responsibility, creating a “National Director/Deputy National Security Advisor for Combating Terror.”

32 In 1993, agents of the Bureau of Alcohol, Tobacco and Firearms tried to execute a warrant to search the premises of the Branch Davidians in Waco, Texas. The leader of this apocalyptic religious cult, David Koresh, was wanted on federal gun control violations and the group was suspected of stockpiling weapons. When agents tried to enter the compound, they were fired upon and four men were killed. Attorney General Janet Reno authorized the taking of the compound by force after a 51 day stand-off, following allegations of child abuse against Koresh by former followers. Whether intentionally set by the Davidians or ignited by the federal agents’ use of tear gas, the compound exploded in a fire, killing 86 members of the cult, including many children. Waco is, along with Ruby Ridge, viewed by right-wing groups as another example of a federal government out of control. See Edith E. Flynn, “International and national terrorism in the United States,” Pages 219-253 in Rosalyn Muraskin and Albert R. Roberts (eds.) Visions for Change. Crime and Justice in the Twenty-First Century. Fourth Edition, 2005, Upper Saddle River, NJ: Pearson/Prentice-Hall.


34 Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, Coordinating the War on Terror, Santa Monica, CA: Rand Corporation.


The Islamic Jihadist threat

Al Qaeda and other groups are described as being part of a new theological terrorist movement known as Islamic Jihadism. Although Jihadism had its roots in fundamental circles in Egypt in the 1960s and earlier, the first brush of the US with it came during the Carter Administration. Following the overthrow of the Shah in Iran and the rise to power of an Islamic theocracy led by the Ayatollah Khomeini, radical Islamic fundamentalists issued a ‘jihad’ or crusade-like holy war against the US (sometimes referred to as the “Great Satan” or the “infidel”). They stormed the US embassy in Tehran, took hostages, and held them for over a year. The history of Jihadism is now aptly provided in a wide range of sources, including the 9/11 Commission Report.

Although the US continues to monitor threats from state-sponsored terrorists, the earlier counterterrorism methods effective against state-sponsored terror are irrelevant to the new threat faced by the US. Embodied by groups like al Qaeda, the new terrorist groups are flexible, transnational, enabled by modern technology, and loosely interconnected. Such groups are not formally state-sponsored, and the US cannot use diplomatic means or sanctions against al Qaeda. There is no political or national entity to declare war against; instead, a shadowy, muting group that operates across different borders has become the enemy. In addition, the motives of some of these groups, and particularly in al Qaeda’s case, emphasize punishment, destruction and death rather than using violence to accomplish a political or economic goal. In the eyes of bin Laden and others like him, the US is an infidel that must be destroyed. In 1998, Usama bin Laden issued a fatwa against the US, calling on Muslims to kill Americans anywhere and everywhere. Al Qaeda was strongly suspected in the 1998 US Embassy bombings in East Africa, and he and 16 other individuals were indicted in absentia for their involvement in these


39 The White House, The National Strategy for Combating Terrorism, February 2003, Washington, DC. And, as Albini also notes, terrorism is also committed in modern times by mercenaries, small groups and individuals unattached to any larger group; these have also been referred to as the “leaderless resistance.” See Joseph L. Albini, 2001, “Dealing with the modern terrorist: The need for changes in strategies and tactics in the new war on terrorism,” Criminal Justice Policy Review, 12 (4):255-281.

40 Al Qaeda and other terrorist groups are considered part of the ‘gray area phenomenon’, with America facing increasing threats to its stability by non-state actors and nongovernmental processes. See Frank Hagan, 1997, Political Crime: Ideology and Violence, Needham Heights, MA: Allyn and Bacon.


43 Bin Laden did not have the religious authority to issue such a fatwa. See Karen Armstrong, 2002, “Ghosts of our past. To win the war on terrorism, we first need to understand its roots,” AARP Modern Maturity, pp. 44-47, 66.
and other crimes. President Clinton recognized the unique threat posed by Al Qaeda to the US, including the possibility of attack on American soil, and was considering covert operations and military force through 2000.

Collectively, the Clinton and Bush Administrations have been criticized from a variety of sources for failing to address the growing threat from Islamic Jihadists and specifically bin Laden. Some argue that the US failed before 9-11 to pursue an integrated and coherent response to terrorism. Most of its counterterrorism activities were reactive and mild (e.g., consisting of nothing more than ‘surgical air strikes’ against possible terrorist camps or targets), though Presidents and other officials often called for more constructive policies. The US is also criticized for failing to appreciate how other foreign policy decisions could impact the nature and quality of terrorist threats. Despite Reagan and Clinton prioritizing terrorism at times, researcher Timothy Naftali wrote that counterterrorism was never a real priority issue within the US government.

America’s Post-9-11 Philosophy

Following the September 11th attacks, the United States embarked on an aggressive multilateral approach to combat terrorism. In 2003, the President laid out this plan in several documents. The National Strategy for Homeland Security focused on the prevention of terrorism within the US, while the National Strategy for Combating Terrorism targeted the identification and diffusion of threats before they reach America. The latter document identified a four-prong strategy for combating foreign-born terror:

- **Defeat** terrorists by attacking their sanctuaries, leadership, command, control, communications, material support, and finances.

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47 See Martha Crenshaw, 2005, “Counterterrorism in retrospect [Book review of Blind Spot: The Secret History of American Counterterrorism, by Timothy Naftali]” *Foreign Affairs* (July/Aug). For example, Naftali highlights how scandal affected intelligence work. The 1975-1976 Church Committee in the US Congress reined in the intelligence agencies and made them cautious in undertaking covert operations. The Iran-Contra scandal led to further checks and balances on the National Security Council (NSC). There was controversy over a FBI investigation into a domestic group known as the “Committee in Solidarity with the People of El Salvador,” further restricting domestic intelligence gathering.


• **Deny** terrorists further sponsorship, support and sanctuary by ensuring that other nations accept their responsibility to take action against these threats under international law (United Nations Security Council Resolution 1373 and 12 United Nations conventions and protocols against terrorism).

• **Diminish** the underlying conditions that terrorists seek to exploit by enlisting the international community to focus its efforts on high-risk areas.

• **Defend** the US, citizens, and interests at home and abroad by proactively protecting the homeland, extending defenses, and identifying and neutralizing threats as they emerge.

The US has undergone a sea change in philosophy regarding terrorism after the attacks of September 11, 2001. There is now a consensus that certain terrorist groups in possession of a Weapon of Mass Destruction (WMD) will use it without regard to even their own lives. Indeed, the *National Strategy for Combating Terrorism* clearly states that while the US will not ignore regional or emerging threats, its “operational efforts and intelligence will focus primarily upon the most dangerous groups, namely those with global reach or aspirations to acquire and use WMD.”<sup>50</sup> Given the possibility of mass destruction and casualties, which could be worse should terrorist groups acquire WMD, law enforcement cannot wait until a terrorist act occurs.<sup>51</sup> Although some reactive measures will always be necessary (e.g., disaster response, arrest and prosecution of suspects), the emphasis now is on proactive methods of deterrence, prevention and target hardening.

**Counterterrorism measures**

**Intelligence**

One of the criticisms of the US effort before 9-11 was that there was an insufficient attention on gathering counterterrorism intelligence, particularly on foreign groups as al Qaeda, and that those agencies that gathered pertinent information did not share it. The CIA and FBI both had important information about at least two of the 9-11 hijackers months before the attacks, but this intelligence was not effectively shared with each other. Since 9-11, much of the US attention has been devoted to improving the counterterrorism intelligence effort, especially in creating mechanisms for ‘connecting the dots’ by merging important information and data from the different agencies collecting it. With counterterrorism intelligence centers run by scores of agencies and offices, the President initially created the “Terrorist Threat Integration Center” (TTIC).<sup>52</sup> The mission of the TTIC is to provide the broadest and full integration of terrorist

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threat-related information and analysis, on a 24/7 watch and analysis basis. It will integrate the work of the FBI, CIA, Department of Defense, Department of Homeland Security, and other US Governmental agencies where appropriate. TTIC would have unfettered access to all intelligence information available to the US Government; provide all-source terrorist threat assessment to US leaders; oversee counter-terrorist tasking and requirements; and maintain a national database of known and suspected terrorists. TTIC will also produce the daily “Threat Matrix,” “Situation Reports,” “Counter-Terrorism Updates,” and other interagency threat warnings for senior US leadership.

In 2004, a Presidential Executive Order replaced TTIC by initiating a new National Counterterrorism Center, to be supervised by the Director of Central Intelligence. The Center is to eventually take over all responsibility from the TTIC, at a time designated by the Director of Central Intelligence. The main functions of the Center are to (a) serve as the primary organization for the analysis and integration of terrorism and counter terrorism; (b) conduct strategic operational planning for counter terrorism; (c) assign operational responsibilities to lead agencies for counter terrorism; (d) serve as central and shared knowledge base on all known and suspected terrorists; and (e) ensure that agencies have all-source intelligence support needed to conduct their counter terrorism plans or perform independent, alternative analysis.

One of the first databases that the Center will oversee is the terrorist ‘watch-list.’ In 2003, President Bush signed a directive requiring all of the terrorist watch-list information from different agencies be integrated into one database so that all federal agencies have access to it. This includes the Department of State’s TIPOFF watch-list, which includes information on over 100,000 suspected terrorists compiled by its Consular Offices around the world. The Terrorist Screening Center (TSC) will therefore become part of the new Center’s responsibilities.

All of the federal agencies with a counterterrorism mission have dramatically increased the size of their intelligence operations. For example, the Central Intelligence Agency Counter-Terrorism Center (CTC) existed before 9-11 and is responsible for marshalling foreign intelligence on terrorism. After the attacks, the CTC was doubled in size, and the number of counterterrorism analysts quadrupled. Specific analysts dedicated to WMD issues were also employed, and the number of strategic reports on terrorists provided to senior officials increased. The Department of State and its S/CT analyze information on terrorism from other agencies such as CIA and NSC and also contribute to the intelligence community through its own Office of Terrorism, Narcotics and International Crime (INR/TNC). State also offers financial reward for information leading to the capture of known or suspected terrorists, or in the prevention of a terrorist attack, generating further intelligence.


The FBI has had a Counterterrorism Center since 1996, charged with countering domestic and international terrorism. Since 9-11, however, the FBI created its own Executive Director position for Intelligence with supervisory responsibilities over specially-trained intelligence analysts. For the first time, the FBI has a 24-hour counterterrorism watch office to serve as the focal point for all incoming terrorist threat information. A new FBI Intelligence Bulletin is now being distributed to over 17,000 law enforcement agencies weekly.

Within the newly created Department of Homeland Security, the Information Analysis (IA) division of the Information Analysis and Infrastructure Protection (IAIP) directorate focuses on the nature and scope of terrorist threats to the homeland. Besides contributing to the nation’s intelligence strategy, the unit also tries to anticipate terrorist attacks by thinking like terrorists (an exercise called “red teaming”). IAIP also established a Critical Infrastructure Information Program Office to handle voluntarily submitted information about threats and vulnerabilities.

The prevention of terrorism requires good intelligence. Most databases of intelligence prior to 9-11 were created by one jurisdiction for use within that region and were rarely shared with other agencies. This was viewed as inflexible, as terrorist threats and plots may not be restricted by border. Shortly after 9-11, US Attorney General John Ashcroft announced the creation of the “Gateway Information Sharing Project.” This is a pilot program integrating investigative data from federal, state and local law enforcement agencies into one database. The pilot program involves many state, county and local law agencies from Missouri and Illinois, the FBI, the US Attorney’s Offices in Illinois, and the Eastern District of Missouri St. Louis Joint Terrorism Task Force. Moreover, intelligence was often provided to agencies based on a “need to know” basis, but that has shifted to sharing information to all agencies (except in cases where intelligence must remain classified or restricted).

Integrating intelligence will continue to be a major challenge for the US. There are now at least six major efforts to collect terrorism threat intelligence (NSC, DCI, DHS, FBI, CIA, State, Defense), and there are various intelligence offices in other federal agencies as well as state, regional and major urban areas. The proposed advantage is that different sources and perspectives will bring the best intelligence product while meeting specific needs of individual organizations (i.e., FBI officials likely trust intelligence developed by FBI analysts or it may specifically help in an operation), but it could lead to problems of conflicting and overwhelming information.

61 Lynn E. Davis, Gregory F. Treverton, Daniel Byman, Sara Daly, and William Rosenau, 2004, Coordinating the War on Terror, Santa Monica, CA: Rand Corporation.
Prevention and driving back of radicalization and development of extremism

Efforts by government to prevent radicalism and extremism are restricted somewhat by the US Constitution and Bill of Rights. For example, the First Amendment provides citizens freedom of speech, and over the years the courts have defined these freedoms quite broadly. For example, citizens can hold racist views and circulate literature supporting their cause. The American Nazi Party, for example, can publish websites and materials that would be outlawed by some European nations’ “anti-racism” laws. FBI investigations are based upon information regarding planned or actual crimes, not on information regarding beliefs. Individuals can express anti-American beliefs and support for Jihadism, but law enforcement is also free under US law to take notes about it and enter the person’s name into intelligence databases.

The Bush Administration also has stated that it will win the ‘war on ideas’ and has focused attention on changing views about the US in Afghanistan, Iraq and other parts of the world. This strategy is based on an assumption that anti-Americanism is generated among Muslim populations in Middle Eastern and other nations, and not within its own population. Thus, the focus is on providing humanitarian assistance to improve housing, education and health in nations that either experience high amounts of extremist ideology or could become fertile grounds for it. The theory is that by providing humanitarian assistance, the US could reduce the larger social problems such as unemployment and economic deprivation that are viewed as conditions in which extremism and radicalization can fester. Employment not only reduces economic deprivation but reduces the number of young, unemployed men that provide a large supply of labor for current Jihadist groups. Education is not only a boost to employment opportunities, but it can help counter racists or hateful ideology. By providing aid to countries, the US also hopes to counter the negative and virulent anti-American hostility that is also a factor in terrorism.

For example, the US (partnering with other nations) is providing millions of dollars to Afghanistan and Iraq for humanitarian assistance, reconstruction, and initiatives to foster

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62 For example, see the website for the white supremacy group The National Alliance, at: http://www.narall.com/index.html.


64 Conversation with Professor Carolyn Turpin-Petrosino of Bridgewater State College, who teaches US criminal procedure and Constitutional protections, was especially helpful here.

65 Note that US Muslims enjoy a fairly prosperous existence in America; 66% earn $60,000 or more per annum. See Zachary Constantino, 2004, “Does affluence cause Jihad?” Front Page Magazine, August 5. The US policy is based on an assumption that the breeding ground for the supply of jihadists is created by many conditions including economic depression and oppressive government. Constantino argues that many virulent jihadists come from affluent backgrounds.

66 The US has long considered a peaceful settlement between Israel and the Palestinians an important part of its foreign policy. Some virulent anti-American hostility among extremist Muslims, and sympathy of moderate Muslims for terrorist groups is due to US support for Israel. Thus, a longstanding foreign policy is now considered a part of US counterterrorism. Clearly, a peaceful solution to the Arab-Israeli conflict that left Palestine with its own self-governed nation would be helpful to quelling anti-Americanism around the globe. See The White House, Progress Report on the Global War on Terrorism, September 2003, Washington, DC.
economic growth and development. In 2002, the State Department launched the Middle East Partnership Initiative (MEPI), a conglomerate of programs designed to encourage democratic growth where it has previously been denied. The focus is also on high quality, inclusive education to train youth in these nations for a global economy. As yet another example, in the spring of 2003, the US launched the Middle East Free Trade Initiative to reduce economic disparity. The Millennium Challenge Account (MCA) was also initiated in 2002, increasing US developmental assistance by 50%. MCA funds are only channeled to those countries that demonstrate a commitment to just rule, investing in their people, and encouraging economic freedom.

The US is providing millions to Pakistan for “democracy assistance,” including training of election commissioners, observers, and political party monitors. Other funding to Pakistan includes millions of dollars for education, vocational training, programs to combat child labor, and other initiatives. The goal for the US in providing aid to Pakistan is to target the poverty conditions in which terrorists thrive. In 2002, the US launched the Trade for African Development and Enterprise (TRADE) Initiative to promote regional integration and cooperation, and the Africa Education Initiative to foster access to basic quality educational opportunities on that continent. The US continued to provide assistance to the Andes countries through the Andean Regional Initiative, focusing on building democracy and stability in the region and providing economic alternatives to illegal drug trafficking and narco-terrorism.

Providing information to the general public

Getting information to the US public about the terrorist threat is theorized to have several positive impacts. First, it will allow citizens to take steps to increase their own safety. A second theory is that it would promote citizen awareness about their surroundings and report any suspicious activity to the authorities. The US does not have the resources to have police or other government officials in all places. By alerting the general citizenry, the theory is that the number of eyes now watching out for certain persons or troubling scenarios has increased dramatically. In other words, by providing information to the public, it serves as a ‘force multiplying’ effect, expanding the watchful eye of the police beyond its normal scope and limitations.

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On March 11, 2002, President Bush issued “Homeland Security Presidential Directive 3,” authorizing the creation of a threat warning system (pictured to the right) that would be used to disseminate information about the risk of terrorist acts to Federal, State, and local authorities, and to the general public. There are five risk conditions: low, guarded, elevated, high, and severe; risk includes both probability and potential gravity of an attack. The system is not just designed for the public. Authorities should take precautions and implement certain measures corresponding to the level of risk. Major cities and states also may have their own threat level advisory system; for example, New York City recently raised its own terrorist threat based on information about a possible al Qaeda plot to bomb its subways. The US DHS thought the information to be of doubtful credibility.

Such threat systems pose difficult issues for the United States. By issuing threat advisory warnings, the government may be playing into the hands of terrorists, who wish to create a disproportionate level of anxiety in relation to the actual threat. They inconvenience citizens and when threats consistently do not materialize – they undermine confidence in the government and may result in people ignoring future warnings. Yet, politically, the government wants to cover itself should a major attack occur. The problem is that most intelligence is often vague and wrong, and there is no standard to judge it – and there is usually no further intelligence to ascertain when the ‘threat is over.’

There are other efforts within the federal government to provide information to segments of the US. For example, the FBI initiated the “Awareness of National Security Issues and Response,” or ANSIR, after 9-11. The forerunner of ANSIR was the Development of Espionage, Counterintelligence and Counterterrorism Awareness (DECA) Program. The DECA Program was initially focused on protecting classified information. ANSIR is principally aimed at US corporations, providing threat information and warnings. The State Department has a long

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75 Lynn E. Davis, Gregory F. Treverton, Daniel Byman, Sara Daly, and William Rosenau, 2004, Coordinating the War on Terror, Santa Monica, CA: Rand Corporation.

76 Lynn E. Davis, Gregory F. Treverton, Daniel Byman, Sara Daly, and William Rosenau, 2004, Coordinating the War on Terror, Santa Monica, CA: Rand Corporation.

77 Testimony of Michael Waguespack, Deputy Assistant Director, National Security Division, FBI, on “FBI's ANSIR
history of issuing travel advisories and warnings through its Bureau of Consular Affairs. These are sometimes based on terrorism threats.  

**Measures in the field of immigration and asylum**

The 9-11 attacks highlighted the problem of immigration for the US. Individuals were able to enter on visas that permitted them to stay for specified purposes such as going to college or working, but they were time limited. The 9-11 plot exposed a number of holes that several of the hijackers exploited in order to be able to enter and stay in the US, obtain flight training, and carry out their suicide hijackings. Since 9-11, the US government has instituted a number of reforms designed to make it more difficult to enter the US and to keep better track of persons entering from other countries. The theory is that it will become more difficult for Islamic Jihadists to enter in order to create terrorist cells within the US and act out their plots at a time known only to them.

Non-US persons who wish to enter and stay in the United States are required to apply for and receive a Visa. These visas were easy to forge and visa holders were often not tracked, nor were persons with expired visas identified. Several reforms have been implemented by the US Department of State. For example, new tamper-resistant visas were developed. Face-to-face interviews were required in nearly every case before a visa could be granted. Information about who received visas is now shared among the intelligence and law enforcement communities. The DHS and Department of State suspended the Transit Without Visa (TWOV) program and the International-to-International (ITI) program, eliminating a person’s ability to exploit these programs to gain access to the US or US-bound aircraft. The State Department strengthened its “Visa Lookout” program, designed to ensure that known or suspected terrorists are not able to obtain visas to enter the US.

Some of the 9-11 hijackers were in the US on student visas. Not only were some of the individuals taking flight training, and in a few cases, their visas had expired before 9-11. The US was not able to track them. This was not the first time. One individual arrested for the 1993 World Trade Center bombing was in the US on a student visa that expired, but he remained in the country illegally, and was never tracked. The earlier 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIR/IRA) mandated the creation of a regional pilot program known as “Coordinated Interagency Partnership Regulating International Students” (CIPRIS). This program collects and makes readily available useful and current information about foreign

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78 For example, see travel advisory on Saudi Arabia at: [http://travel.state.gov/travel/cis_pa_tw/tw/tw_932.html](http://travel.state.gov/travel/cis_pa_tw/tw/tw_932.html).


80 The State Department provides a number of duties relevant to counterterrorism in the immigration and asylum area. For example, State’s Regional Security Officers investigate passport and visa fraud --- which are frequently used by terrorist to travel to the US. The Bureau of Diplomatic Security is responsible for protecting US officials and facilities abroad.
student visa holders in the US. The DHS Student and Exchange Visitor Information System (SEVIS) replaced it after 9-11, which theoretically tracks foreign students who come to the US to ensure that they are actually enrolled and attending classes. The Foreign Terrorist Tracking Task Force (FTTTF) was established by the FBI to identify potential terrorists as they attempt to enter or remain in the US.

The Department of Homeland Security also implemented the US Visitor and Immigrant Status Indication Technology (VISIT) Program. Every person entering the United States via air, sea or border ports is asked for biometric and biographic information that is recorded and placed into an electronic database. In 2005, the Department of Homeland Security began testing a program at five locations that would allow for “radio frequency identification” (RFID) that would link a unique serial number on a US Customs or Border Patrol tag with the information in the database. This technology would allow for better linkage between entries and exits of foreigners into the United States.

Once suspected terrorists are located in the US, they may not have committed a crime. But the US may determine that it is in the interests of national security to deport the person because of some actionable intelligence that causes suspicion to fall upon the individual. In 1996, Congress established the Alien Terrorist Removal Court (ATRC) so that classified information could be used, in closed and secret hearings, to expel suspected terrorists from the US. Appropriate safeguards for the protection of the accused were also included. Unfortunately, it appears the ATRC was a failed policy. As of 2000, the ATRC had not been used, as the Immigration and Naturalization Service (INS) acted instead to remove aliens based on classified evidence to an immigration judge, without notification to the accused or defense counsel.

Such policies have raised concern about human rights. In a very controversial example, the government, fearful about other al-Qaeda cells in the US, embarked on a mass registration program of individuals from certain countries. In December 2002, all non-immigrant male visitors who were over 16, were from 13 nations with links to terrorism (12 North African or Middle Eastern countries plus North Korea), and entered US before September 2002 were required to register. They were required to fill out a personal information form and then were fingerprinted, photographed, and interviewed by the Federal Bureau of Investigation. Of the 82,000 registered, over 1,000 were eventually detained, mostly for violations of immigration law. A number of criticisms of this program have been made, including the reliance by federal agents to use race and ethnicity in the investigation process, the denial of access to counsel for

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81 Report of the National Commission on Terrorism, 2000, Countering the Changing Threat of International Terrorism.
84 “US-VISIT begins testing radio frequency identification technology to improve border security and travel,” printed in full from: www.dhs.gov/dhspublic/display?theme=43&content=4719&pr…
85 Report of the National Commission on Terrorism, 2000, Countering the Changing Threat of International Terrorism.
those detained, abusive interrogations, harsh and arbitrary detention, and government secrecy about who was being held and why. These criticisms were validated by a 2003 report by the Inspector General of the Department of Justice, which concluded that the program was a mistake as it cast too wide a net and “forced many people with no connection to terrorism to languish behind bars in unduly harsh conditions.”

In addition, despite efforts to secure the borders, hundreds of persons are able to get into the country illegally by crossing over the borders from Canada or Mexico (or by water or air in less common circumstances). There is no way to determine whether any of these illegal immigrants are terrorist operatives trying to get into the US. Mexico’s ability to address this issue is also compromised by police corruption and the overwhelming number of persons crossing the border.

Granting special competence to police and other officials

On October 26, 2001, President Bush signed the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” (USA-PATRIOT) Act into law. The philosophy behind the USA-PATRIOT Act [hereafter “Patriot Act”] is that traditional law enforcement and investigation techniques were largely geared toward investigation after an incident had occurred. The post-9/11 emphasis on proactive methods meant that law enforcement, particularly the FBI, required more leeway to investigate possible terrorist conspiracies, plots, and plans than investigations into other criminal matters.

The Patriot Act is over 300 pages long and contains many provisions. But its main advantage for counterterrorism is the leeway it provides for law enforcement in national security cases. For example, it is easier now for federal agents to obtain warrants and conduct surveillance on US citizens. The Patriot Act also expanded the powers of the federal government to seize personal records (including those retained by hospitals, libraries, and hotels, for example) in national security cases. In short, the federal government is permitted to go on a “fishing expedition” demanding records without tying the request to a specific suspect or group -- provided the stated purpose is to determine something about a terrorist threat. Currently, the federal government can continue to collect this information indefinitely on an individual, as there is no time limit imposed by the Patriot Act. The Act also included provisions for information sharing between financial institutions and the US government, mandating new responsibilities for banks when they open and monitor bank accounts and bars any transactions with “shell banks.”

The law makes warrants applicable across state and district lines eliminating the previous requirement that law enforcement get multiple warrants in each jurisdiction for the same person. This reduces the time and bureaucracy in investigative efforts that previously hampered counter-terrorism. The Foreign Intelligence and Surveillance Act (FISA) permits covert searches and wiretaps in the United States in the interests of national security. Applications to conduct such searches on persons in the US must be approved by a special FISA Court. During the Cold War, FISA applications focused on spies for the Soviet Union. The PATRIOT Act expanded the scope of FISA because of the need to hear the chatter on the street and in the mosques in the US. Critics charge that it is easier for the FBI to obtain a FISA writ to conduct a wiretap for national security than to get one for a crime investigation, although conversely some feel that the process is still too restrictive. There is a series of bureaucratic levels that a FISA request must go through, including necessary screening and approval by the Justice Office of Intelligence Policy.

The PATRIOT Act highlights the tension between crime control and due process. On the one hand, the law’s intent was to protect US citizens from terrorism, and in light of 9-11, the incentive to provide law enforcement with greater surveillance and investigation leeway was great. On the other hand, the law has been criticized for reducing civil liberties and intruding upon privacy with no real benefit for homeland security.

But the Patriot Act is not the only law that has expanded police powers. The Safe Explosives Act of 2002 increased the ability of the Bureau of Alcohol, Tobacco and Firearms (ATF) to prevent the acquisition of explosive materials by terrorists. For example, anyone now acquiring explosives must be subjected to a background check and be issued an ATF permit.

Institutional developments

Following the 9-11 attacks, President Bush created a “Homeland Security Council’ to provide advice on homeland security issues and ensure coordination of varied homeland defense functions. An “Assistant to the President for Homeland Security” was soon thereafter appointed. The Homeland Security Council is responsible for coordinating efforts in America.


92 Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, Coordinating the War on Terror, Santa Monica, CA: Rand Corporation


96 Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, Coordinating the War on
Soon thereafter, Bush created the Department of Homeland Security to oversee all agencies responsible for homeland security, including border and transportation, emergency preparedness, and the nation’s infrastructure (e.g., cyberspace). Investigation was left to local, state and other federal agencies. The mission of the DHS is to prevent terrorism within the US, reduce US vulnerability to attack, and minimize damages should an attack occur. The DHS represents the most extensive reorganization of the federal government in history, bringing 22 agencies and nearly 180,000 persons into a single organization. The DHS has a budget roughly 10% of the Department of Defense, and over 40% of the federal enforcement positions and funding is now under DHS. The DHS maintains the Homeland Security Information Network that provides real-time transfer of information to thousands of law enforcement agencies across the 50 states and 50 additional urban areas.

Rand Corporation’s Homeland Security Director Michael Wermuth testified before Congress in 2005 and outlined six primary management challenges faced by DHS, including the lack of robust strategic planning and analysis capability. He also noted the conceptual confusion about what ‘homeland security’ means, leading to confusion about its role and that of other agencies. For example, should ‘homeland security’ apply only to terrorist attacks or does it also cover natural disasters?

Although the DHS is a new institution, some changes after 9-11 have focused on existing agencies. For example, many changes have occurred at the FBI to make it more responsive to its new role as the major investigative agency for counterterrorism in the US. The FBI has long been concerned with intelligence for investigations into subversive and anti-American activities. Most of their work, however, has focused on investigating criminal and drug violations. Counter-terrorism was included in the FBI portfolio along with their other functions, particularly during the 1990s. A five-year strategic plan for 1998-2003 identified the investigation of foreign intelligence, terrorist, and criminal activities that directly threat the national or economic security of the US as its highest priority. The FBI developed MAXCAP 05, a plan to elevate and...
eventually reach “maximum capacity” in counterterrorism by 2005. There was resistance from within the agency, however, because the new push on terrorism conflicted with strongly held notions that the FBI should focus on crime and drugs, and money to support the hiring of needed translators, analysts and equipment was not forthcoming.102

But since 9-11, counterterrorism efforts have intensified within the FBI.103 For example, FBI resources devoted to fighting terror have increased 60%.104 As of 2001, 35 counter-terrorism task forces were organized by the FBI in metropolitan areas.105 The number of Joint Terrorism Task Forces (JTTF) soon expanded to 56, and later, to 66. The task forces focus exclusively on terrorism, bringing together personnel, intelligence, and capabilities from federal, state and local agencies.106 The JTTFs are likely the primary vehicle in which intelligence information is shared on a regional basis.107 Although not within the FBI, the Department of Justice US Attorneys (lead prosecutors in each federal district) have created and lead Anti-Terrorism Task Forces (ATTF), coordinating a number of initiatives, providing information and training, and forging further cooperation with local and state law agencies.108

The FBI Legal Attache (Legat) Program facilitated the rapid deployment of approximately 700 agents and other personnel overseas to investigate terrorism against the US and allied interests.109 Legal attaches are senior FBI agents who work in foreign nations investigating criminal matters within the agency’s jurisdiction. Legal attaches serve as the first line of defense in preventing foreign crime, including terrorism, from reaching the US.110 The number of FBI Attaches has been increased, and their focus is now more on counterterrorism than ever before. Although the Department of Defense has long been concerned with terrorism, since 9-11, they have made concrete changes to facilitate the war on terror. For example, on October 1, 2002, the US Northern Command (USNORTCOM) was established to eliminate gaps among different military organizations with homeland defense responsibilities and to provide military support


103 This prioritization of counterterrorism for the FBI may be evidenced by data showing that it is now investigating only about half the criminal cases it did before September 11th. See Mark Sherman, “With FBI focus on terrorism, fewer criminal cases are opened,” Boston Globe, October 4, 2005, A4. The article also quotes FBI managers expressing concerns about the timeliness and quality of FBI criminal (non-terrorism) investigations since 2001.


when necessary to civilian agencies in preventing and combating terrorism.\textsuperscript{111} In another example, the US Coast Guard has added specialized maritime security units to protect US against terrorism.\textsuperscript{112} This is the largest commitment to port security made by the Coast Guard since World War II.\textsuperscript{113} The Coast Guard is responsible for implementing the Maritime Transportation Act of 2002, and will oversee efforts to assess, plan for, and implement enhanced security measures by ports, vessels and facilities.

\textbf{International cooperation and information sharing}

Most researchers believe that the war on terror cannot be a unilateral US effort but will require assistance from across the globe. Some nations are not equipped with the technology, training, or manpower to assist in anti-terrorism efforts. Although the State Department has long had an Anti-Terrorism Assistance (ATA) Program,\textsuperscript{114} following 9-11, the program was expanded to provide more financial and technical assistance to other nations to prevent terrorism, and by extension, attacks on the US and its interests.\textsuperscript{115}

For example, in 2003, the US provided over $100 million to the East Africa Counter-Terrorism Initiative (EACTI) for equipment, training and assistance, distributed to Djibouti, Eritrea, Ethiopia, Tanzania, Uganda, and Kenya.\textsuperscript{116} Also since 2001, the US has provided $6.6 million to the “Pan Sahel Initiative” (PSI), supporting counter-terrorism training in Algeria, Morocco, Tunisia, Mauritania, Mali, Niger, Chad, Senegal, and Nigeria. Since 2001, the US, through its Terrorist Interdiction Program, has provided 20 nations with computer systems, training and support to develop effective “terrorist watch lists,” and be better able to identify such persons passing through ports of entry. US Department of State Interagency Terrorist Finance Working Group (TFWG) coordinates, develops and delivers training and technical assistance to other nations to strengthen their efforts to disrupt terrorist finance schemes.


\textsuperscript{112} “Homeland Security,” Printed online from www.whitehouse.gov/infocus/homeland/.


\textsuperscript{114} Following the Embassy bombings by al Qaeda in Africa in 1998, the US began bilateral terrorism discussions with India, Spain, Russia, and Canada. It hosted a conference for Central Asia nations to discuss methods for countering growing terrorism threat in that region of the world. The UN Security Council passed resolution 1267 in 1999, requiring that the Taliban turn over bin Laden to be tried for terrorism, and imposed sanctions on Afghanistan that mirrored those passed earlier and unilaterally by the US. Department of State officials met with representatives of the Taliban to reiterate this message. The US-Russia Working Group on Afghanistan also met to discuss cooperative strategies to counter the terror threat from bin Laden. See US State Department, “U.S. Counterterrorism efforts since the 1998 U.S. Embassy bombings in Africa,” US Department of State, Office of the Spokesman, August 7, 2000.


\textsuperscript{116} This entire section relies heavily upon William P. Pope, “Eliminating terrorist sanctuaries: The role of security assistance,” Testimony before the House International Relations Committee, Subcommittee on International Terrorism and Nonproliferation, March 10, 2005, Washington, DC.
The US has pushed the United Nations and other international organizations to “fulfill their counter terrorism obligations under UN Security Council Resolution 1373. In this resolution, nations were to “deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens.” This builds on earlier efforts by the Clinton Administration to promote the universal adoption and ratification of all eleven international terrorist conventions (now 12) by the year 2000, in the hopes of strengthening the rule of law globally against terrorism.

The US is also involved in the Counterterrorism Action Group (CTAG), formed by G8 nations to coordinate and increase counter terrorism assistance such as law-and-order capacity building, legislative assistance, and border security assistance, in high-risk countries. Moreover, the US and G-8 nations agreed to accelerate action on pre-screening people and cargo, increased security on ships, planes and trucks, and enhanced measures at all ports. The US and other G-8 nations (and with Finland, the Netherlands, Norway, Poland, Sweden and Switzerland) initiated the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction in June 2002. This partnership also included an initiative to improve the security of radioactive sources and prevent their use in terrorism as “dirty bombs.”

The US and Canada signed the “Smart Border Declaration” in December 2001, including 30 action items for increasing security, enhancing joint law enforcement operations, improving technological and physical infrastructure, and facilitating trade and movement between the two countries. This was accompanied by an increase of 1,000 border patrol officers assigned to the US-Canada border. The US and Mexico signed a similar agreement in March 2002. US, Canada and Mexico have agreed to several trilateral programs to facilitate trade and improve security, including the Free and Secure Trade Initiative (FAST), the US-Canada NEXUS program, and the Secure Electronic Network for Traveler Rapid Inspection (SENTRI).

Most of the 19 hijackers on September 11th were from Saudi Arabia. Although its government is an ally of the US and strongly against Al Qaeda and other Islamic jihadist groups, many within the nation support bin Laden and are anti-American. Some Saudis support terrorism financially. In addition, many madrassas or Islamic schools in the country actively promote the extremist ideology fueling al Qaeda and other terrorist groups. Terrorists and their operatives have sometimes taken up refuge in Saudi Arabia. The US and Saudi Arabia have increased

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119 Wikipedia defines G8 as “The Group of Eight,” consisting of Canada, France, Germany, Italy, Japan, the United Kingdom, the United States of America, and Russia. The hallmark of the G8 is an annual economic and political summit meeting of the heads of government with international officials, though there are numerous subsidiary meetings and policy research. See http://en.wikipedia.org/wiki/G8.

120 The White House, Progress Report on the Global War on Terrorism, September 2003, Washington, DC.

counterterrorism cooperation, including the creation of joint operations against al Qaeda. These operations have led to the arrest or killing of several terrorists by Saudi security forces.\textsuperscript{122}

The US Department of State has launched a Counterterrorism and Law Enforcement Joint Working Group with Pakistan, also launching an intensive training program there in crisis response and investigation.\textsuperscript{123} The US established a regional counterterrorism mechanism with Brazil, Paraguay and Argentina to strengthen border and financial controls, legislation and enhance law enforcement and intelligence sharing.\textsuperscript{124} The US supported, through diplomacy and operational support, the nation of Georgia’s successful attempts against terrorists in the Pankisi Gorge.\textsuperscript{125}

Moreover, the FBI’s International Training and Assistance Unit (ITAU) continues to coordinate and provide training to law agencies across the globe, with an increased emphasis on the prevention, detection and apprehension of terrorists. ITAU also offers the Counterterrorism Leadership Forum, a weeklong seminar, for top officials.\textsuperscript{126}

\begin{center}
\textbf{Counteracting financing of terrorist organizations}
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Organizations like al Qaeda do not require enormous resources to conduct and execute attacks like 9-11, but they do need money. One counterterrorism strategy the US has implemented has been to target money that is funneled in some way to support terrorist groups.

For example, the Antiterrorism laws of 1996 provided the U.S. Secretary of State with power to designate those groups that threaten U.S. interests and security as Foreign Terrorist Organizations (FTOs). The law makes it a crime for any person in the US to provide funds or other material support to a FTO. The law also requires US financial institutions to block FTO funds (and their agents) and to report them to the U.S. Department of Treasury’s Office of Foreign Assets Control (OFAC).\textsuperscript{127} These laws were expanded after 9-11, when President Bush signed Executive Order 13224 providing greater power to the US to freeze terrorist-related assets and subject financial institutions to sanctions if they support terrorism. The US Treasury Department has now shut down two US-based charitable organizations as having ties to terrorist groups; a further 10 foreign charities have been designated as supporters of terrorism.

\begin{footnotesize}
\begin{enumerate}
\item The White House, \textit{The National Strategy for Combating Terrorism}, February 2003, Washington, DC.
\item Report of the National Commission on Terrorism, 2000, \textit{Countering the Changing Threat of International Terrorism}.
\end{enumerate}
\end{footnotesize}
The US Department of Treasury, in coordination with the Departments of Justice and State, is leading an international effort to combat and dismantle terrorist financing. Their strategy includes (1) freezing of terrorist financial assets; (2) attacking formal and informal financial infrastructures in which terrorists use to transfer funds across borders and within cells; and (3) using diplomatic resources and regional and multilateral engagements to ensure international cooperation, collaboration, and capability in dismantling terrorist financing networks.128

The US worked hard to get the UN to adopt Security Council Resolutions 1373 and 1390 which require member nations to undertake efforts to disrupt terror financing. These resolutions have helped the US to forge international alliances against terror financing, and to this end, the US Treasury Department provides technical assistance through its own Office of Technical Assistance to nations in their efforts to disrupt monetary support for terrorists. The Department of Treasury also created its own “Office of International Enforcement Affairs” (OIEA) to coordinate and focus training and technical assistance in this area. Treasury’s own International Law Enforcement Academies are being used across the world to assist other nations by training them in efforts to combat terrorist financing.

The Treasury Department is working with the Financial Action Task Force (FATF) and the Egmont Group (made up of 61 international financial institutions) to focus on terrorist financing. The FATF is an international body that was created to fight money laundering, and the US has worked to expand its focus to include terrorist financing. The Treasury Department is also working with G-7, G-20, the International Monetary Fund and the World Bank to take steps to combat terrorist financing.

“Hawalas” are ancient alternatives or parallel remittance system that originated in India before the introduction of traditional banking. Often referred to as ‘underground banking,’ they provide a cheap transfer of funds and are used for legitimate purposes.129 They are largely based on trust and extensive use of connections such as family members and other known affiliations. There is no paper trail or record keeping.130 Illegal in some countries, they are an attractive way for doing business for illicit groups including terrorists. The Patriot Act has several measures to combat Hawalas, including forcing them to register as “money service businesses,” thereby forcing them to comply with money laundering regulations and require them to file “ Suspicious Activity Reports.” It also makes it a crime for anyone operating a hawala to move funds that they know will be used for unlawful activity.

**Securing the nation’s infrastructure**

The 9-11 attacks exposed a number of vulnerabilities in the nation’s aviation and transportation security that were easily exploited by 19 hijackers. The Aviation and Transportation Security

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128 United States Treasury Department, September 2002, *Contributions by the Department of Treasury to the Financial War on Terrorism*, Washington, DC.


Act was made law quickly after the attacks, in an effort to speed up security enhancements to reduce weaknesses in aviation, subway and other transportation. Over $19 billion dollars has been spent on aviation security since 9-11 alone. The Transportation Security Administration was created and immediately took over many aviation security functions performed by private contractors.

**Aviation Security.** For example, prior to 9-11, personnel that screened luggage and passengers before embarking on commercial airline flights were not federal employees. Instead, screeners worked for private companies, airlines, security firms, and other organizations and received little formal training. Their work was considered ‘unskilled labor.’ Morale was low, the annual employee turnover rate exceeded 90% in some places, and the security-screening system – as it was implemented by a wide variety of private contractors – was difficult to regulate or improve.\(^{\text{131}}\)

The US Congress believed that the old system encouraged cost-cutting of security as airlines attempted to remain competitive with one another. Under the new law, the Transportation Security Administration became the sole provider of screening and security at airports.\(^{\text{132}}\) Under TSA, all screeners became federal employees, and had to meet certain qualifications and performance standards to become a screener. To meet the demand for increased security at the airports, the law called for the hiring of 50,000 airport screeners and nearly 10,000 baggage screeners, to train them, and place them in over 400 airports nationally.\(^{\text{133}}\) Ironically, despite consistent security breaches at airports after 9-11, a survey of over 18,000 passengers at 25 airports found that most passengers are very satisfied with the new system. Most agree that the TSA screening force is more professional, background checks on screeners are more rigorously applied, turnover has declined, supervision has improved, and training has improved\(^ {\text{134}}\)

But there are negatives with the new TSA system. Unfortunately, equipment remains outdated and is not reliable in detecting either explosives or weaponry.\(^{\text{135}}\) There are also criticisms that TSA is too centralized and presents bureaucratic problems for airports, including lack of flexibility in hiring and staffing for flights, and in equipment maintenance. Interestingly, the law allowed five airports to use ‘TSA certified private contractors’ to conduct screening during the first two years, with a further clause that by 2004, all US airports had the same option. Most airports have continued with TSA, mostly because of fears of litigation should a terrorist attack occur in an airport that switched back to privatized security.\(^{\text{136}}\) Early results indicate that the

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performance by screeners at the privatized screening airports was similar to a sample of TSA airports.

A variety of other measures have been undertaken to thwart similar hijacking attempts. For example, cockpit doors have been reinforced on all US commercial aircraft, and flight deck crews are being trained to carry and use firearms as a last defense of the airplane controls. Hundreds of armed air marshals have been trained and deployed on selected commercial flights. Canine teams expert at explosive detection are used at all major airports. Screening of checked baggage, once done only for international flights, is now performed on all domestic flights, and new x-ray machines are replacing outdated ones. Besides TSA employees, all airport personnel must now undergo criminal background checks. Further restrictions were placed on where aircraft could fly. For example, private and general aviation craft were banned from flying over Washington DC airspace (commercial flights were halted for one month at Reagan National Airport in Washington), with private flights returning on October 18, 2005.

Because of the threat of terrorist attack from shoulder-fired missiles, the Department of Homeland Security funded several defense contractors to test defensive systems for commercial airliners. The Rand Corporation reported that equipping the nation’s 6,800 commercial airliners with these defense mechanisms is not currently cost-effective. Yet, the risk is considered high because of the number of shoulder-fired missile launchers on the “black market” and the assumption that some of these are now in the hands of terrorist groups. In addition, there have been 24 non-military aircraft outside the US shot down by such attacks since the late 1970s, killing over 500 persons. DHS is conducting vulnerability assessments at key US airports. The US is working with foreign governments to prevent proliferation of shoulder-launched missiles. For example, in 2003, President Bush agreed with other G-8 leaders to a series of controls on Man-Portable Air Defense Systems (MANPADS). This includes technical assistance by the US to help nations eliminate at-risk stockpiles and improve security of national inventories of these weapons.

Positive passenger bag-match (PPPM) was implemented before 9-11. It permitted only luggage to be stowed in the airplane if the passenger boarded the same flight. It only applied to international flights. PPBM was considered a possible policy to protect commercial aviation from bombings, as the consideration of a “suicide attack” (that the bombers would still board the


139 See Michael A. Wermuth, “The Department of Homeland Security. The Road Ahead,” Testimony presented to the Senate Committee on Homeland Security and Governmental Affairs on January 26, 2005. He notes that Rand research estimated the total cost, over 20 years, to develop, implement and maintain such systems would be $40 billion, or about ten times what the federal government is currently spending on all transportation security. Yet, such systems may become cost-effective if more reliable and cheaper systems become available.


flight with the explosives stowed in their luggage) was not envisioned before 9-11. The administration was to conduct research to determine the best means to extend this system to all domestic US flights.\textsuperscript{142} Another system existing before 9-11 was the Computer Assisted Passenger Prescreening System (CAPPS). CAPPS involves a computer algorithm to assess potential risk to aircraft posed by a passenger.\textsuperscript{143} There is discussion about enhancing CAPPS with biometric or other data to increase its reliability.

**Shipping Container Security.** To increase protection against terrorist activity using shipping containers, the US developed the Container Security Initiative (CSI). This allows US inspectors to screen high-risk shipping containers at major foreign ports before they are loaded in ships to the US. Approximately 2/3 of the ports that ship to the US have agreed to participate in CSI. In addition, the National Targeting Center was created to scan passenger lists to identify high-risk individuals and shipments. As of 2005, US inspectors examine all high-risk shipments. Operation Safe Commerce (OSC) is a public-private partnership to fund new initiatives designed to enhance tracking and security for international container cargo.\textsuperscript{144} DHS now requires electronic advance cargo manifests from sea carriers 24 hours prior to loading in a foreign port to give officials more time to check for potentially dangerous cargo.\textsuperscript{145} Non-Intrusive Inspection (NII) technology inspects shipping containers determined to be high-risk by the US Automated Targeting System (ATS). Radiation detection devices and hand-held technologies increase the likelihood that WMD will be detected.\textsuperscript{146}

**Critical Infrastructure Protection.**\textsuperscript{147} DHS instituted regular meetings with industry leaders to share information, lessons learned, and best practices, and is working with economic and industrial sectors to develop capacity for vulnerability assessment and strategies to meet unique security needs. DHS has developed reports on common vulnerabilities to critical infrastructure, indicators of terrorist activities around such facilities, and security plan templates for use by police and private sector. DHS is developing a national effort to provide technical assistance as companies implement tailored security plans based on DHS reports. DHS also created a “Soft Targets Unit” within its Protective Security Division to assist law agencies in reducing vulnerability to attack in shopping malls, entertainment venues, stadiums, and other public gathering areas.

**Cyberspace Security.** In 2003, the DHS created the National Cyber Security Division (NCSD) to organize federal government efforts in reducing cyberspace vulnerability to terrorism. In 2004,

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the DHS unveiled its National Cyber Security Alert System, and ran the “Cybernotes” website to distribute weekly computer security downloads. The NCSD includes the Cyber Security Tracking Analysis and Response Center, a component that will examine incidents and coordinate efforts to mitigate damage. The NCSD has taken a central role in coordinating the government response to “computer viruses” and “internet worms.” It also worked with the Federal Computer Incident Response Center (FedCIRC) to reduce the impact of these events on federal government computer systems.

Chemical Industry Security. In 1999, after Congressional testimony about the vulnerability of chemical facilities to criminal or terrorist attack, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act was passed. Under this act, the Department of Justice [DOJ] was to determine if the earlier Clean Air Act provisions for accidental release of toxins have resulted in actions that are effective in detecting, preventing and minimizing the harm of criminal or terrorist attack. The law also mandated the DOJ to review the vulnerability of such facilities to attack, current industry practices regarding site security, and the security of transport of chemical substances, and to make recommendations for improving security and reducing risk. There are 15,000 facilities in the US that make or store chemicals that could be toxic to humans if released in the environment.

The Government Accountability Office (formerly General Accounting Office) audited progress made by the DOJ in fulfilling this mandate in 2002. Surprisingly, even after 9-11, there has been little progress in fulfilling the mandate of the 1999 law. The Government Accountability Office reported that only an interim, confidential report by the DOJ based on observations made at 11 facilities was submitted to Congress in May 2002; the report only offers some observations based on site visits and does not address security at chemical plants nationally. Due to budget issues, Justice indicated that it was not able to submit a final report. The Office of Justice Programs, together with the Department of Energy’s Sandia National Laboratory, created and began testing a prototype risk assessment instrument for identifying threats and vulnerabilities at the nation’s chemical plants.

On the other hand, DHS has recently begun a comprehensive training program that involves chemical facility operators, site security managers, and local law enforcement in assessing risk and protective measures. This is part of an overall partnership between DHS and the chemical industry to evaluate vulnerabilities and put enhanced measures in place to ensure safety of facilities and neighboring communities.

Nuclear materials. Little progress has been made, however, in securing the nuclear research reactors at major universities in the US. According to Bunn, most are “undefended” even though they are fueled with highly enriched uranium, the material sought by terrorist groups to make nuclear weapons. In 1986, the Nuclear Regulatory Commission issued a rule requiring universities and colleges with nuclear reactors move to “low-enriched uranium,” which cannot be used by terrorists in a nuclear bomb. The US Department of Energy has not funded the conversion of remaining high-enriched uranium to the low-grade version, a conversion cost of at

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least one million dollars (and more likely several million) per reactor. Moreover, they are not protected the same way similar reactors are protected. The threat from enriched uranium is recognized by the Department of Defense, as it began the Global Threat Reduction Initiative after learning of the existence of 40 similar nuclear reactors now operating worldwide.  

**Crisis preparation, management, and response**

Broad definitions of counterterrorism not only include efforts to prevent or stymie terrorist groups, but to minimize the harm of an incident should one occur. To that end, a wide range of activities is taking place to reduce the impact of a large-scale terrorist event.

For example, the DHS is creating a fully integrated national emergency response system that can adapt to terrorism or natural disaster, consolidating Federal response plans, and building a national system for incident management. The President directed the development of the National Incident Management System (NIMS) to make all responding agencies interoperable during an incident.

*Simulated Training.* Some of these efforts have been in the area of training, simulating agency response should a major event occur. Trying to get these trainings implemented has not always been successful. In 1995, President Clinton established an interagency Exercise Subgroup that was to conduct a realistic exercise program to prepare for a catastrophic terrorist incident. As of 2000, not all federal agencies have participated or even budgeted for this. In 1998, Congress funded and mandated the Department of Justice and the Federal Emergency Management Agency (FEMA) to conduct a counter-terrorism and consequence management exercise involving relevant federal agencies and their leadership, and selected state and local governments. This was authorized in order the US Government’s preparedness for a catastrophic terrorist attack. As of 2000, insufficient funding was provided and the exercise was not conducted.

After September 11, 2001, a WMD exercise entitled TOPOFF2 (which involved WMD attacks in Seattle and Chicago) was held. Federal agencies and Canadian authorities were involved in the exercise. The exercise provided an analysis of the abilities of the government to respond to a complex terrorist attack. In 2003, the Department of Defense similarly conducted an exercise to test the military’s USNORTHCOM ability to respond to multiple, simultaneous attacks.

*Preparing First-Responders.* Besides simulated training for a mass casualty attack, millions of dollars are being spent on preparing and equipping first-responders to terrorist incidents. Since 9-11, more than half-million first responders across the US have received training. More than 700 Citizen Corps Councils have been formed in communities to better prepare localities to meet

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threats of terrorism, crime, public health issues, and disasters. Community Emergency Response Team (CERT) training is now available in over 400 localities in the US.

Rapid response teams. In the mid-1990s, the US Department of State created a “fast reaction team.” Led by the State’s Counterterrorism Office, it includes experts from Department of Defense, the CIA, the FBI, and other agencies as needed. It can be dispatched within a few hours of a request by a foreign government or a US Ambassador abroad, using dedicated military aircraft. The team provides support to the host government in resolving a terrorist crisis and advises on additional US assets that might be needed. It also conducts training exercises around the world. The number of “urban search and rescue teams” capable of addressing WMD events has increased from six nationally to 28.

Bioterrorism. As mentioned earlier, the US is most concerned with terrorist groups that have the ability to obtain weapons of mass destruction, including biological, chemical, nuclear or radiological materials. Addressing bioterrorism seems appropriate, given that there have been at least three documented attempts by individuals or groups to commit acts of bioterrorism. In 1972, a right wing group (the Order of the Rising Sun) possessed more than 30 kilograms of typhoid bacteria, which they intended to spread through the water supply systems of several major Midwestern cities. In 1984, the religious cult Rajneeshee (followers of the Indian guru Bhagwan Shree Rajneesh) attempted to make voters too sick to participate in an upcoming Oregon election by spraying salmonella bacteria on restaurant salad bars. Their actions infected over 700 persons. Finally, in an unsolved case, anthrax spores were mailed to political figures, newscasters, and corporations in the US, infecting at least 10 persons with several fatalities.

The US is spending more than $7 billion on all aspects of biodefense, including the BioWatch program. This program monitors 30 major cities with special detection devices for a variety of biological releases. Samples are analyzed in federal laboratories within 24-36 hours. The US Centers for Disease Control is also opening quarantine stations at major area airports because of fears of spread of infectious disease, whether natural or through bioterrorism.

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155 Philip C. Wilcox, “Combating International Terrorism,” Testimony by Ambassador Philip C. Wilcox, Jr., Coordinator for Counterterrorism before the House of Representatives, Permanent Select Committee on Intelligence, Washington, DC, March 5, 1996.


158 Another problem with terrorism research is that acts that would fit any definition of the crime could be attributed to such events as a natural disease outbreak, an accident, or simple juvenile vandalism. For example, when the religious cult Rajneesh sprayed salmonella on salad bars in Oregon restaurants, sickening hundreds of patrons, authorities initially identified it as a natural disease outbreak. It was not until a later investigation into the cult’s activities that evidence of its role in the salmonella outbreak was uncovered, including its possession of salmonella bacteria vials. See Edith E. Flynn, “International and national terrorism in the United States,” Pages 219-253 in Rosalyn Muraskin and Albert R. Roberts (eds.) Visions for Change. Crime and Justice in the Twenty-First Century. Fourth Edition, 2005, Upper Saddle River, NJ: Pearson/Prentice-Hall.

procured increased stock of smallpox vaccine and anthrax antibiotics, and to develop “next-
generation” vaccines. It also accelerates the US National Institute of Health’s research and
development of countermeasures, permits the US Food and Drug Administration to make
promising treatments available during emergencies, and allows the US government to purchase
needed countermeasures as soon as they become available. Moreover, the US increased the
civilian biodefense research budget from $100 million prior to September 11, 2001 to $1.5
billion in 2003.\textsuperscript{160}

The Strategic National Stockpile was enlarged to 12 pre-positioned 50-ton packages of drugs,
vaccines, medical supplies and equipment that stand ready for immediate deployment anywhere
in the US within 12 hours. These have been supplemented with anthrax antibodies for 12 million
persons and for treatment of chemical attack burns and injuries. Enough smallpox vaccine has
also been stockpiled to immunize the entire US civilian population in the event of an attack.\textsuperscript{161}
The Department of Defense has immunized over 490,000 soldiers and military support personnel
against smallpox.\textsuperscript{162}

The US has provided over $4.4 billion to state and local health authorities to bolster their ability
to respond to a public health crisis. This includes their capacity to plan, implement rapid secure
communications, increase laboratory capacity, and upgrade the capacity to detect, diagnose,
investigate and respond to a terrorist attack with a biological agent, as well as respond with
clinical care and treatments should an attack occur.\textsuperscript{163} Efforts to protect the US against a major
WMD attack include ‘Project BioShield.’ This is an unprecedented $5.6 billion dollar effort to
develop vaccines and other medical responses to biological, chemical, nuclear, and radiological
attack.\textsuperscript{164}

\textit{Food and Agriculture.}\textsuperscript{165} The US has increased funding for defenses of food supply and
agriculture. The FDA has increased the number of food safety inspectors by 655, doubling its
capacity to conduct safety inspections. US Department of Agriculture increased personnel at
borders by 50% (now covering 90 instead of 40 ports) to enhance efforts to keep foreign
agricultural pests and diseases out of the US. The FDA and the Food Safety and Inspection
Service (FSIS) continue to assess vulnerabilities of food systems to terrorist attack. The Public
Health Security and Bioterrorism Preparedness and Response Act of 2002 required the US
Department of Agriculture and the Department of Health and Human Services to issue
regulations establishing new safeguards for the control of select agents that could pose a threat.

\textsuperscript{164} “Homeland Security,” Printed online from \url{www.whitehouse.gov/infocus/homeland/}.
The National Animal Health Laboratory Network and the National Plant Diagnostic Laboratory Network were developed with land-grant universities and state veterinary diagnostic laboratories in the US to create plant and animal health laboratory networks increasing capacity to respond in an emergency.

9-11 Victims. The US has also devoted resources toward helping the 9-11 families and administered a $40 billion emergency response package to begin recovery in affected areas. Legislation was signed to speed compensation to families of police, firefighter and rescue personnel who died in the attacks. The 9-11 Victims Compensation Fund was created to allow a streamlined response to compensating claims from victims or surviving family members. Approximately $125 million in aid to the Fire Department of New York [FDNY] after 9-11, however, has not been spent, and is the subject of contention. The US government wants to take the money back, and the FDNY is arguing that it needs the money for long-term health needs of members responding to 9-11.166

Other

The US federal government is providing an enormous amount of money to local, state, regional and county agencies to support their homeland security efforts. We do not review those local activities – what they have done with the money --- in this report. But the Bush Administration nearly tripled funding for homeland security discretionary funding over the past fiscal year, providing more than $18 billion to state and local governments for their efforts.167 These funds are being used for training, equipment and other resources needed by agencies to participate in the 'war on terror.'

The DHS and other agencies are continuing to fund research on terrorism and counterterrorism. Most of this research funding has been focused on technology innovations. Nonetheless, DHS recently supported the creation of specialized homeland security research centers to mobilize academic and scholarly resources to the study of terrorism and counterterrorism. For example, the University of Maryland recently received a $12 million grant to support the creation and operation of The Center of Excellent for Behavioral and Social Research on Terrorism and Counterterrorism.168

Although the quality of evaluation has by and large been quite poor by methodological quality standards, the federal government is requiring more data and information on terrorism. Generating data on terrorism is vital to understanding the nature, intensity and scope of the crime, as government counterterrorism strategies should be guided by careful data about the problem (i.e. epidemiological and etiological data). Several efforts to prepare annual terrorism data have been undertaken in recent years. The US Department of State generates Patterns of Global Terrorism in response to federal mandate, and the report has become the recognized


authority in the field. President Clinton mandated that the FBI begin reporting annual data in *Terrorism in the United States*. The reports began in 1996 but a new document has not been issued since 2001.

**DISCUSSION**

An act of terrorism such as 9-11 can result in widespread death, destruction, and panic. It is understandable that reaction by the government and its citizenry to such a large-scale tragedy would be dramatic. There is an unprecedented level of counterterrorism activity in the US since 9-11. The subsequent report by the Commission on the Terrorist Attacks Against the United States, and other reports, found that the attacks were the result of a complicated set of failures in government across many areas including commercial aviation, foreign and domestic intelligence, and the CIA and FBI culture and bureaucracy. As a result, a multitude of actions have been undertaken at the federal level to counter the terrorism threat, primarily from al Qaeda and likeminded groups. This level of activity, even with the new Homeland Security Department, presents a very unique challenge in coordination. Keeping track of all these efforts, monitoring their progress, and assessing their impact will be a very important task. Without coordination, there is likely to be duplication of effort, gaps in coverage, misallocation of resources, and inadequate monitoring of expenditures.

As a recent Rand Report has highlighted, the war on terror now involves complex interactions, blurred lines of responsibility between government agencies, as well as a merging of the former “foreign/domestic divide.” Agencies that have no former history of collaborating must now do so, and often must implement policies it did not itself enact. Complicating matters further, instant coordination is necessary given a particular terrorist threat.

Naftali [as reviewed by Crenshaw] noted that as the number of agencies and initiatives on terrorism grew during the 1980s and 1990s in the US, the counterterrorism effort became more difficult to manage. Friction between agencies such as the CIA, FBI, NSC and State Department

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169 Philip C. Wilcox, “Combating International Terrorism,” Testimony by Ambassador Philip C. Wilcox, Jr., Coordinator for Counterterrorism before the House of Representatives, Permanent Select Committee on Intelligence, Washington, DC, March 5, 1996. The entire collection of reports since 1976 can be accessed online at the National Memorial Institute for the Prevention of Terrorism website at: http://www.mipt.org/Patterns-of-Global-Terrorism.asp

170 The reports are archived at the FBI website at: http://www.fbi.gov/publications/terror/terroris.htm.

171 Lynn E. Davis and her colleagues define coordination as the employment of processes that perspectives and activities of different departments and agencies are known by all; that the activities are not duplicative but form integrated and coherent set of policies, programs and operations; and that decisions are made when more than one agency or department must agree. See Lynn E. Davis, Gregory F. Trevorton, Daniel Byman, Sara Daly, and William Rosenau, 2004, *Coordinating the War on Terror*, Santa Monica, CA: Rand Corporation.


increased, as there were multiple agencies assuming similar duties and responsibilities.\footnote{Martha Crenshaw, 2005, “Counterterrorism in retrospect [Book review of Blind Spot: The Secret History of American Counterterrorism, by Timothy Naftali]” \textit{Foreign Affairs} (July/Aug).} Whether the DHS can correct these deficiencies and achieve this coordination is an empirical question awaiting careful study, but the US has certainly increased the level and complexity of the counterterrorism bureaucracy. Early reports are sobering. The DHS Inspector General recently reported that two DHS agencies, Customs and Border Protection, and Immigration and Customs Enforcement, do not communicate well with each other (and frequently work against each other) and compete for resources.\footnote{Jennifer Talhelm, “Study cites conflicts in US agencies,” \textit{Boston Globe} October 7, 2005, p. A6.} The Dutch government, as well as officials from other nations, will have to carefully examine their own agencies claims at coordination. Before 9-11, there were reports from the US Department of State about how well it was coordinating the counterterrorism effort on the foreign front.\footnote{Philip C. Wilcox, “Combating International Terrorism,” Testimony by Ambassador Philip C. Wilcox, Jr., Coordinator for Counterterrorism before the House of Representatives, Permanent Select Committee on Intelligence, Washington, DC, March 5, 1996.} Yet, it was the lack of counterterrorism coordination that has become a chief point of criticism in reviews of the events leading up to 9-11.

Since 9-11, the US Congress has issued a number of regulations for reforms to be instituted in the aim of preventing terrorism. The urgency in which such regulations were issued has not been matched by a similar urgency in implementation. A recent report found that the government has missed dozens of deadlines after 9-11 to improve security, including new procedures for protecting airplanes, railways, and shipping from terrorism. Sometimes this failure was due to attention to meet deadlines for very low security risks such as issuing and implementing a ban by February 15, 2005 on butane cigarette lighters on aircraft.\footnote{Leslie Miller, “Administration missing dozens of security deadlines,” \textit{Boston Globe} October 31, 2005, p. A2.} Unfortunately, the history of the US and counterterrorism is that many recommendations will be offered, laws passed, and policies designed - but few will be successfully implemented. We wonder if some measures are simply meant to be low-impact but symbolic, whether we lack the political will to do the hard work of implementing measures after they have been passed, or whether the laws themselves were passed too quickly and perhaps in a heightened emotional state without carefully considering how difficult it would be to pay for and institute the measures.

Counterterrorism is also a major political issue in the United States. In the immediate aftermath of 9-11, there was great support for the President, i.e. ‘rallying around our leader.’ Criticisms of US policy were often viewed as unpatriotic. But four years have now passed since the terrorist attacks of September 2001. There are now many criticisms of the Bush Administration’s handling of terrorism threats before 9-11 and its post-attack response. The Administration is steadfast in presenting its ‘war on terror’ as a difficult, long-term but largely successful strategy. Evidence for this success is claims of disrupting Al Qaeda’s operation in Afghanistan, removing the Taliban leadership (that supported bin Laden’s residency there), and killing and incapacitating many of the terrorism group’s leaders. It also claims to have intercepted at least ten Al Qaeda attacks since 9-11. The Bush Administration also argues that it is confronting
Jihadists in Iraq – on the offensive – rather than defending against their attacks in the US. Critics see things differently. For example, former Clinton aides Daniel Benjamin and Steven Simon co-authored *The Next Attack: The Failure of the War on Terror and the Strategy for Getting it Right*. They claim that the Bush counterterrorism policies have been disastrous (particularly the decision to attack Iraq), fueling the fires of jihadism that resulted in attacks in Europe, Egypt and Indonesia. They claim that the Bush counterterrorism policies have been disastrous (particularly the decision to attack Iraq), fueling the fires of jihadism that resulted in attacks in Europe, Egypt and Indonesia.178 Trying to find a balanced, non-partisan view of the impact of US counterterrorism is difficult.

It is understandable that the focus of US counterterrorism since 9-11 is on the threat posed by Al Qaeda and Islamic Jihadist groups. But one caution is that the US counterterrorism strategies may focus so strenuously on these groups that they may ignore the growing threat posed by right-wing militia, white supremacy and survivalist groups. These groups often have virulent anti-government beliefs and advocate violence targeting federal government officials and buildings. Since 9-11, there have been at least ten major incidents in which domestic, US-born terrorists from such organizations have been arrested with major caches of weaponry, including explosives and poisons. Unlike the arrest of an al-Qaeda operative in the US, this has received little attention the media, and despite the danger, no corresponding press release or conference by the federal government to announce the arrests.179 There is also evidence that domestic terrorist groups and foreign-born terrorists or state sponsors communicate because they share a common hatred of the US government.180 Right-wing and left-wing terrorism are not the only threats the US faces domestically. The US also faces a number of “single-issue” terrorist threats; these are individuals or small groups that have coalesced around a particular issue such as abortion, protecting the environment or stopping experiments with animals. Most groups work within the political and legal structure to change US policy, but terrorists use bombings and violence to influence the agenda.181 Although their actions have heretofore resulted in specific targeting of facilities and low numbers of fatalities, some have expressed caution that violence from single issue terrorists may escalate in the future.182

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179 For example, William Krar, a militia activist was found in Texas with 800 grams of pure sodium cyanide, and two glass vials of hydrochloric acid. See Michael Reynolds, 2004, “Homegrown terror,” *Bulletin of the Atomic Scientists*, November/December, p. 46, 50-57.


Moreover, it is possible that the US focus on attacking those groups with means to get nuclear or other mass casualty weapons may be misplaced. Not only has every terrorist incident since 9-11 been the conventional use of explosives (e.g. London, Madrid, Egypt, Bali), but a recent report highlights the difficulty in obtaining enriched uranium on the black market.\textsuperscript{183} Evaluating these initiatives will likely require a different set of methods and assumptions by social science researchers. The report by Lum and her colleagues located over 15,000 reports on terrorism—but only seven met their minimum methodological standards for evaluation. They argue for partnerships between researchers and the homeland security agencies to produce the necessary studies on whether this vast expenditure is worth it all. Simply funding more counterterrorism activities is not better if they do not lead to increased safety. Some of the strategies studied by Lum et al. actually increased the harm caused.\textsuperscript{184}

The prevention or occurrence of a single terrorist act, no matter how catastrophic, cannot be used as the sole evidence of effectiveness of US counterterrorism. As Eck notes, traditional experimental and control group comparisons of success and failure (at least when it comes to rare events like terrorism) are not feasible.\textsuperscript{185} There are other strategies for analyzing rare event data, making use of less common statistical practices.\textsuperscript{186} Difficulties in evaluation also make cost-benefit analysis difficult; how can one weigh liberty concerns if the homeland security impact of the counterterrorism measure is unknown? Furthermore, the current administration has been criticized for instilling the ‘politics of fear,’ and stymieing discussion and debate on the wisdom of its counterterrorism strategies.\textsuperscript{187} It may be difficult to mount careful evaluation — and maybe more importantly — to report critical findings in this climate.

It is also true that the US could be doing everything effectively and not be able to prevent a catastrophic event; it could also be acting imprudently and no terrorism may occur. The government itself seems to recognize this with frequent statements and warnings that it is not a question of ‘if’, but a question of ‘when’ the next attack will occur.\textsuperscript{188} If this is the case, can the effectiveness of counterterrorism be measured by the occurrence of a single terrorist act? Perhaps, as Moore suggested in a different context,\textsuperscript{189} we can only hold federal agencies

\textsuperscript{183} Corine Hegland and Greg Webb, “The threat. It’s not hard to build a nuclear weapon, but it’s difficult for a terrorist to obtain the necessary nuclear materials and to unleash the bomb,” \textit{The National Journal}, April 16, 2005, p1138-1145.
\textsuperscript{184} Cynthia Lum, Leslie Kennedy and Alison Sherley, no date, \textit{The Effectiveness of Counterterrorism Strategies: A Campbell Systematic Review.}
\textsuperscript{186} See, for example, Gary King and Langche Zang, 2001, “Explaining rare events in international relations,” \textit{International Organization} 55:693-715.
responsible for the intermediate outcomes at the boundaries of their organizations, and not for more distal outcomes such as the incidence of terrorism.

The Administration disclosed 10 plots to attack the US by al Qaeda that have been intercepted since 9-11 as evidence that the war on terror is working. They also released information about five infiltrations or ‘casings’ in which al Qaeda operatives entered the US to find suitable targets for attack. Putting aside the issue of whether the government would release reliable data that made its own efforts appear ineffective, there are a number of problems with this method for gauging success. What if there were 20 plots foiled in the four years before 9-11? What if there was only two plots foiled before 9-11, but they could have killed millions if came to fruition?

The public may have to be better educated about the difficulties inherent in combating terror, and that there will be no magic bullet or panacea to remove all possible terrorist threats from reaching US soils or impacting its interests overseas. Terrorists are unified by singleness in purpose, which, as Crenshaw notes, “streamlines their purpose.” Carrying our large-scale terrorist acts are low cost (especially if there is a supply of persons willing to serve on suicide missions); the 9-11 attacks likely cost bin Laden $500,000. Groups such as al Qaeda and other terrorists are adaptable and opportunistic; indeed, counterterrorism may transform the threat without extinguishing it. Democratic nations like the US have a number of vulnerabilities that cannot all be protected. Terrorism also ‘works’ on occasion; terrorists, particularly if linked to a larger community of supporters, are sometimes able to change the political landscape. In addition, accurate warnings are rare and it is difficult to pinpoint any terrorist incident to specific groups. The US thereby faces the difficult balance of avoiding fatalism, which could cause inertia (‘what’s the use?’) or an overreaction with draconian measures in order to force results – leading to greater harm than good. Crenshaw recommends pragmatically defining terrorism and taking sensible counterterrorism steps based on evidence of prior failures and successes. She argues for terrorism to remain a top priority but not to the detriment of the US’ larger role in global affairs.

It will be important to monitor unintended consequences from counterterrorism efforts. In contrast to the criticisms of the earlier US counterterrorism efforts for being too risk-aversive and afraid to undertake aggressive action, since 9-11, the US is now perhaps too aggressive without caution on how policies may have negative impacts. Efforts to control borders and reduce illegal immigration could have an effect on small businesses in the US that rely on low


wage laborers.\textsuperscript{195} Law enforcement agencies may undertake terrorism investigations because the individuals are Muslim rather than any evidence of wrongdoing.\textsuperscript{196} Efforts to enlist the public in counterterrorism may increase general citizen fear, and heighten suspicions (and even lead to vigilantism) against Muslims.\textsuperscript{197} In New Jersey, five Muslims who prayed together during a football game were held for questioning by the FBI allegedly because they stood and prayed near an air duct on a night when President Bush was in the stadium.\textsuperscript{198} But think of the reaction had the police not detained the individuals, and a terrorist incident involving the air duct system occurred. It is a difficult line that law enforcement must carefully tread, between ‘thinking outside the box’ and being prepared on the one hand and avoiding paranoia and hassling citizens on the other.

Efforts by the US government to publicize both terrorist threats and successes in breaking up al Qaeda and other plots serves purposes in providing information to the press and public, and serves political aims in helping to justify policy expenditures. But this may backfire, as it could feed the terrorist goal of creating public fear without another attack. The constant media focus on terrorism may alarm the public, creating a perception that overestimates the real risk from terrorism. The “oxygen of publicity” by media coverage often keeps terrorism groups empowered, keeps citizens irrationally fearful, and may propel the government to institute draconian measures to meet the threat.\textsuperscript{199}

Moreover, US foreign policy may increase anti-American sentiments across the globe, thereby increasing the number of individuals who see the terrorists as moral actors and support their cause – perhaps, even joining them. This seems to be the case with the sanctions against Iraq after the Gulf War; the sanctions did little to hurt Sadam Hussein’s regime, but the pain and suffering as a result of the US actions enhanced the hatred of many Iraqi citizens toward America.\textsuperscript{200} There was little Iraqi terrorism, however, against the U.S. immediately after the 1990 Gulf War.\textsuperscript{201} In yet another example of unintended consequences, the CIA used Sheik


\textsuperscript{200} For example, when the US pressures smaller nations to give up its nuclear program and weapons arsenal, when it is the largest such producer and possessor of such weapons, it increases the charges of US hypocrisy around the world. Such charges are even more passionate when the US backs brutal dictatorships because they serve US policy interests. See Joseph L. Albini, 2001, “Dealing with the modern terrorist: The need for changes in strategies and tactics in the new war on terrorism,” \textit{Criminal Justice Policy Review} 12 (4):255-281.

\textsuperscript{201} Martha Crenshaw, 2005, “Counterterrorism in retrospect [Book review of Blind Spot: The Secret History of
Rahman (i.e. the ‘Blind Sheik’) to drum up support for its covert war in Afghanistan against the Russians. They did not anticipate that his fiery Jihadist and anti-American rhetoric would inspire men in a Brooklyn, New York mosque to undertake a plot to destroy the World Trade Center and other targets in the mid-1990s.\(^\text{202}\)

US foreign policy actions have hindered some moderate and Muslim-dominated nations from supporting America’s efforts against terrorism. For example, Egypt’s government would like to pledge their support for the US war on terrorism. To do so, however, would ignite the rising Islamic militancy as a great portion of the country sympathizes with the Jihadist cause and sees the US as evil for its support of Israel and occupation of Muslim nations.\(^\text{203}\) US allies, such as Germany and other European countries, are deeply concerned about how America is treating enemy combatants (e.g., indeterminate detention, lack of legal representation). Despite its massive investment in humanitarian aid and assistance around the world, US foreign policy can make it difficult to gain the cooperation of other nations in counterterrorism strategies.

The Netherlands is wise to undertake analysis of specific cases where government counterterrorism seemed to be successful or did fail against a particular threat. In a case cited by Albini, the Italian government cracked down on the Red Brigade, a terrorist group responsible for bombings, assassinations, and widespread attacks and fatalities – mostly targeting the wealthy. The general citizenry did not object to the Red Brigade, until the group murdered Prime Minister Aldo Moro, a respected and popular leader, and kidnapped US General James Dozier (the US is a beloved ally in Italy). Italians from lower socioeconomic groups, the Mafia, and others who had been supportive (or at least not outraged) now lined up against the Red Brigade. They were no longer seen as a moral force, and apparently many of its own members had second thoughts about participating in terrorism in this openly traditional Catholic nation. Rather than militaristic and violent suppression, the Italian government was able to exploit the ‘guilt’ of Red Brigade members and get the accused to identify others in the group who were involved in terrorism.\(^\text{204}\) The Red Brigade threat was dramatically reduced by the Italian government’s actions.

Local policing has undergone some changes since 9-11. Before the attacks, very little of the sprawling law enforcement community was engaged in counterterrorism.\(^\text{205}\) This has all changed. Resources once devoted to domestic crime fighting are now spent on surveillance, investigation and infrastructure protection in efforts to secure the homeland and fight terrorism. Not only does this mean that time spent on traditional crime fighting has been reduced, but the homeland security responsibilities have put a strain, even with federal funding, on local budgets. Every

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time there is a threat level increase, local, county and state expenditures are increased exponentially; this has led to layoffs, cancellation of training programs, and a delay in obtaining counterterrorism equipment. Clearly, despite the massive expenditure at the federal level, it is still insufficient to meet all state, regional and local anti-terrorism needs.206 A fertile ground for research will be to study the further transformation of policing and law enforcement in light of terrorism prevention and homeland security concerns.207

Intelligence and analysis is one counterterrorism measure that has undergone significant change since 9-11. It will be imperative for this terrorism intelligence to be linked to substantive and important changes within nations, and for analysts to think ‘outside the box’ in how such changes could lead to terrorism against the US. For example, Russia’s growing economic problems and decreasing quality of life for its citizenry could lead to more anti-US sentiment among its citizens. This could magnify the problem of selling weapons of mass destruction - or the ‘knowledge to build such weapons’ – on the black market to be used against America.208 The US intelligence community needs to develop deeper expertise in culture, language and information management, and anticipate threats emerging from other parts of the world. The problem is usually not one of getting information, but of trying to make sense of an overwhelming amount of information of questionable quality, stemming from dubious and sometimes untrustworthy sources.209

These problems in intelligence can lead to the issuing of threat warnings could lead, at best, to major inconveniences to the US public, and at worst, play into the terrorist hands by increasing fear and US overreaction with phony threats. Recently, a sketchy threat to blow up Baltimore Harbor tunnels led to closing one and partially shutting down the other, leading to massive traffic delays.210

Counterterrorism may benefit from analyses that examine the root causes and factors that lead to a terrorist threat, rather than measures that are taken up after such an attack occurs. Government officials, with the help of researchers, analysts and others, should undertake a ‘Root Cause Analysis’211 when possible of the terrorism threat. Root Cause Analysis is based on the process

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211 For example, Learning Innovations at WestEd program associates Kathy Guerzon and Nick Hardy apply Root Cause Analysis in their work with schools and student academic performance.
used by investigators in solving a crime, and is a heuristic device now frequently employed in a variety of settings, including business and education, to identify the core factors leading to a particular problem. Once the underlying factors have been hypothesized, data supporting or disconfirming those influences are collected and analyzed. This process, when complete, allows the organization to do a more complete job in assessing the problem and its root causes, and thereby sharpening its policy initiatives and interventions. This is critical, as Albini questions, “Governments are not certain of the causes that created a terrorist act, so how can they take adequate measures to prevent such acts?” It would be prudent to undertake a Root Cause Analysis even when things go right and terrorist plots are interrupted or groups are largely disbanded, as they can help governments determine lessons learned and why something worked in a particular setting.212

Following the use of Root Cause Analysis, the Netherlands may be wise to diagram the pathways to the problem (whether it be insurgency, an incident, terrorist threat, etc.). At each of the linkages, it cannot only decide whether there is an opportunity for intervention or strategy, but it can also examine the existing research for the linkage connection. For example, the American Psychological Association asked its members to write a short summary of the existing research relevant to terrorism and a statement of the implication for homeland security (http://www.apa.org/ppo/issues/svignetterror2.html). A map of data like this could provide decision-makers with research information to consider at each decision point in counterterrorism and homeland security.

The Netherlands can continue to mine discipline-specific efforts to understand terrorism and combat it. Besides the activity in psychology being undertaken by the APA, there is also an effort by criminologists to do the same. The anthology is entitled Terrorism, Crime and Justice is scheduled for publication in 2006, with several sessions at the November 2005 American Society of Criminology in Toronto, Canada on the included papers planned. These efforts should be merged to provide a base of interdisciplinary learning about terrorism from many different fields.

This report should serve as a starter draft with the eye toward a book-length compendium of US counterterrorism measures. The draft should be updated by interviews with top officials, continued reading of research and other literature on terror, as well as sifting through relevant news stories and other materials. Such a compendium could be helpful in the coordinating process. In addition to the book, short 1-2 page policy briefs or synopses could be developed for officials and other potential users (e.g., researchers, media, students) in the US, the Netherlands and other places that would providing a short summary of a particular counterterrorism policy, its rationale, history, possible benefits and harmful side-effects, and what the evidence reveals to date about the measure. It would be much easier to prepare a briefing on the DHS “threat warning system” because the topic is more narrow than counterterrorism, allowing for more focused searches, and for commentary by officials and researchers.

The Netherlands is also anticipating a second phase of research on “what works” in counterterrorism. This will be difficult. Lum and her colleagues applied the more rigorous quality standards for evaluation and an exhaustive literature search and only found seven eligible studies. In determining “what works” in counterterrorism, standards of evidence for evaluation studies may have to be different for some areas. For example, auditing reports by the GAO and non-partisan discussions of the positive and negative consequences of certain policies may have to be carefully synthesized until a new wave of more rigorous evaluation studies can be done. Such an assessment should include all scientific and methodological caveats about the lower level of confidence about the results from such studies.

213 Cynthia Lum, Leslie Kennedy and Alison Sherley, no date, *The Effectiveness of Counterterrorism Strategies: A Campbell Systematic Review.*