

Combating Terrorism: The Role of Intelligence



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“Combating Terrorism: The Role of Intelligence”

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Introduction

Professor Yonah Alexander

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The failure of contemporary societies during the past sixty years in the post-World War II period to effectively combat terrorism at home and abroad is, indeed, puzzling. After all, all nations are fully aware that the most critical element in combating the challenge of terrorism is intelligence. That is, the knowledge acquired, whether overtly or covertly, for the purpose of both internal and external statecraft.

And yet, despite this awareness, the grim reality is that terrorism is still attractive and works. For instance, according to recent press reports, during the past year and a half alone some 2,063 attacks were recorded in the Middle East, Africa, and Asia, with a death toll of 28,031. Likewise, 46 attacks occurred in Europe and the Americas, and as a result of which some 658 were killed.¹

The purpose of this introduction is to provide an academic context for the apparent lingering confusion regarding the nature and implications of intelligence in democracies. It presents a brief overview of the challenge of modern terrorism, outlines key aspects of the role of intelligence in confronting the threats at home and abroad, and reports on the two latest academic efforts in this security area that are incorporated in this study.²

The Challenge of Terrorism: An Overview

The struggle for power among nations, which has resulted in fear, tyranny, and the destruction of human lives and property, is a permanent fixture of history. Indeed, in modern times, psychological and physical terrorism both from “above” and “below” employed by state and non-state actors is increasingly becoming a major challenge to national, regional, and global security concerns.

More specifically, the modus operandi of totalitarian and radical state sponsors of terrorism, such as Iran and Syria to mention two, illustrates the complexity of the challenge and difficulties in combating this form of violence. Traditionally, these governments have indoctrinated, funded, trained, armed, and provided intelligence and safe haven to diverse groups of ideological, theological, and national dispositions. Many of the terrorist groups were directly supported or indirectly guided and encouraged, thereby becoming tools of the sponsoring states. The contemporary historic record indicates that many terrorist movements operate without external state help, but those groups that benefit from such support are much more viable and dangerous, as demonstrated by Hizballah in Lebanon and Hamas in Gaza.

Additionally, included in the broad non-state category of contemporary terrorist perpetrators are marginal antisocial elements, conspiratorial adventurers, pseudo-

¹ *The Washington Post*, July 17, 2016, p. A11.

² This report draws from earlier lectures and studies that are available on *Terrorism: An Electronic Journal and Knowledge Base* (www.terrorismelectronicjournal.org) as well as other numerous publications authored or edited by Yonah Alexander (www.iucts.org).

ideological extremists, political hallucinationists, religious fanatics, and racial bigots, as well as more institutionalized opposition movements such as banned political parties and “military wings” or paramilitary underground resistance movements. Put differently, the terrorist framework consists of individual who are considered mentally deranged, “crusaders,” or “martyrs”; single-issue political desperates; ultra “diehard” ethnic, tribal, and religious bodies; uncompromising nationalist and separatist groups; and criminal and political mercenaries.

Although these actors are nourished by various political and social roots sustained by wide-ranging ideologies and theologies, terrorist have, nevertheless, a common disposition. More specifically, they have contempt and hostility towards the moral and legal norms of the domestic and international order. Also, terrorists glorify their violent deeds for the sake of the cause they seek to advance, and regard themselves as beyond the limits of any society and system of government. They do not feel bound by any obligations or constraints, except those they have imposed on themselves for the purposes of sub-revolutionary and revolutionary successes.

What makes the challenge of sub-state terrorists particularly dangerous is the existence of an international network of groups that cooperate informally and formally with each other. This collaborative relationship operates in many ways, such as ideological and theological alliances, organizational assistance, propaganda and psychological warfare, financial help, recruitment support, intelligence sharing, supply of weapons, operational activities, and availability of sanctuaries. Two cases in point dramatically reflect this grim reality. First is al-Qa’ida, founded by Usama bin Laden in the 1990s and currently headed by Ayman al-Zawahiri, a loosely knit network of radical co-religionist in numerous countries around the world. It brutally perpetrated 9/11, the most devastating attack in world’s history, and continued with deadly operations nearly 15 years later.

A more dangerous and an even greater security challenge is Daesh – the self-declared Islamic State (also known as ISIS or ISIL). This new entity, which is seeking to establish a caliphate without borders, regionally and globally, already controls significant territories in both Iraq and Syria. With its capacity as an effective ideologically motivated fighting force, it has taken on a quasi-sovereign existence that mixes modernity with ancient rites. Increasingly, it prompts sectarian violence nourished by theological extremism with a decidedly apocalyptic beat.

It is not surprising, therefore, that the sanctification and justification of violence, coupled with global networks and modern technological advantages, have raised the magnitude and intensification of modern terrorism to a level unknown in previous centuries. In the past as well as today, terrorists have utilized both primitive and technologically advanced tactics in their operations, including arson, bombings, kidnappings, assassinations, hijacking, and facility attacks. Arsenal consisted not only of explosives and guns, but also of anti-tank rockets and ground-to-air missiles. It is highly likely, however, that in the future, these forms of conventional threats will expand even further when terrorists would also resort to unconventional or “super” terrorism, such as cyber, chemical, biological, radiological, and nuclear attacks. The prospect of the use of these weapons could inflict unprecedented chaos and devastation and affects thousands and perhaps millions of innocent victims.

In sum, present day terrorists have introduced into contemporary life a scale of violence in terms of both threats and responses that has made it clear that we have entered into an Age of Terrorism with all of its serious implications to national, regional, and global security concerns. Perhaps the most significant dangers that evolve from modern day terrorism are those relating to the safety, welfare, and rights of ordinary people; the stability of the state system; the health of economic development; the expansion of democracy; and possibly the survival of civilization itself.

From “Surprise” Terrorism to “Reformed Intelligence”?

The July 2016 terrorist attacks in Kabul, Nice, Baghdad, Baton Rouge, Dallas, and elsewhere, once again “surprised” the victimized nations. The perpetrators, whether inspired or directed by Daesh (the Islamic State), al-Qa’ida, or other terrorist groups, have systematically learned the value of “surprise” from both historical and contemporary famed strategists.

For instance, Sun Tzu (400 – 320 B.C.) in the *Art of War* keenly observed that “The enemy must not know where I intend to give battle... when he prepares everywhere he will be weak everywhere.” Similarly, China’s Mao Tse-tung wrote in his *Protracted War* (1891) that “It is extremely important to keep the enemy in the dark about where and when our forces will attack.”

Indeed, the failure of modern societies to learn basic lessons of “surprise attacks” stems from multiple intelligence breakdowns, ranging from missing “connecting the dots” to reluctance to share classified information with partners at home and abroad, and represents the most important weakness in the defense chain. For example, recently a French parliamentary inquiry has urged the government to overhaul the intelligence services by establishing a more unified structure in the aftermath of tragic terrorist attacks in the country since 2015. In other European countries, such as Belgium where homegrown and foreign “fighters” perpetuated devastating operations in Brussels, calls for increased intelligence sharing between internal agencies and allies were urged.

In the United States, since 9/11 and continuing right up to today, nearly 15 years later, the debate over the magnitude of intelligence necessary to counter terrorism domestically and internationally was graphically demonstrated in the latest carnage at home and abroad. Thus, some of the prevalent issues that clearly deserve more profound responses, particularly in democracies, include the following questions:

1. Do potential domestic terrorist threats warrant full-scale long-term surveillance of citizens and/or foreign nationals?
2. Should terrorist challenges abroad be considered “acts of war” and therefore require escalated pre-emptive strikes, targeted killings, or perhaps more extensive “boots on the ground” in conflict zones?
3. What degree of infringement upon civil liberties is justified by the necessity of effective counterterrorism policies and actions?

4. How can international cooperation such as intelligence sharing be improved in the face of potential terrorist attacks both on the conventional and unconventional levels?
5. Should the private sectors of the civic society, including business, religious bodies, educational institutions, and the media, cooperate more actively in governmental counterterrorism strategies?

Clearly the jury is still out in responding adequately to the foregoing as well as to other related questions. For instance, in the U.S. case, the structure and strategy of the intelligence community need to be re-evaluated, to most effectively carry out counterterrorism activities. Despite its primary role in defense, the intelligence community has been criticized for being an inefficient and, at times, ineffective set of institutions. To this end, some existing agencies have been reorganized or undertaken new responsibilities, and entirely new bodies have been created to coordinate and/or consolidate federal counterterrorism efforts.

Members of the intelligence community have argued that these changes have had mixed results, often creating redundant institutions that make it more difficult to effectively disseminate classified information. As a result, the counterterrorism mission and capabilities of the intelligence community remain in flux while the United States experiences an upsurge in terrorism within its own borders and globally. Given this reality, a need exists to urgently re-assess the current structure of the American intelligence community, how the counterterrorism mission is conducted, and what improvements can be made to combat the evolving “surprise” tactics of “lone wolves,” terrorist organizations, and state agencies. Undoubtedly, similar or related security considerations could immensely benefit the quality and effectiveness of intelligence communities in other democracies.

The Rationale for the Report and Acknowledgements

It is against the foregoing context that the Inter-University Center for Terrorism Studies, in cooperation with the International Center for Terrorism Studies (at Potomac Institute for Policy Studies), the Inter-University Center for Legal Studies (at the International Law Institute), and the Center for National Security Law (at the University of Virginia Law School), organized two relevant seminars.

The first event, titled “Terrorism and Intelligence: Political, Legal, and Strategic Challenges” was held in light of the public debate over the National Security Agency’s apparent agenda and its implications for U.S. national and global security interests. It took place on July 25, 2013 at Potomac Institute for Policy Studies and featured Dr. Donald Kerr (former Principal Deputy Director of National Intelligence, Deputy Director for Science and Technology at the CIA, Assistant Director of the FBI, and Director of National Reconnaissance Office; Member, Defense Science Board). Michael S. Swetnam (CEO and Chairman, Potomac Institute for Policy Studies) and General (Ret.) Alfred Gray (twenty-ninth Commandant of the United States Marine Corps; Senior Fellow and Chairman of the Board of Regents, Potomac Institute for Policy Studies) also made brief remarks at the seminar. Professor Yonah Alexander (Director,

Inter-University Center for Terrorism Studies, and Senior Fellow, Potomac Institute for Policy Studies) moderated the discussion. Dr. Kerr's presentation is included in this report.

The second seminar on "Combating Terrorism: The Role of Sharing Intelligence" was held on April 14, 2016 at Potomac Institute for Policy Studies in the wake of escalated terrorist plots and attacks and the Nuclear Security Summit warning that "the threat of nuclear and radiological terrorism remains one of the greatest challenges to international security." Thus, the role of sharing intelligence domestically and globally is becoming more critical than ever before. A panel of experts discussed past lessons of what worked and what did not and offered short- and long-term recommendations on information sharing in the evolving battle against terrorism that is consistent with national laws and relevant obligations.

The panel participants included Timothy R. Sample (former Staff Director of the House Permanent Select Committee on Intelligence, Deputy U.S. Negotiator for the Strategic Arms Reduction Talks [START I], and service in intelligence units within the U.S. Air Force. Currently, Chairman and CEO, 72 Africa); Peggy Evans (24 years of experience in intelligence and national security programs in CIA, the White House, and the Senate. Currently, Senior Fellow, Potomac Institute for Policy Studies); Dr. Wayne H. Zaideman (former FBI Legal Attaché in the Middle East); Geoffrey Harris (Deputy Head of the European Parliament's Liaison Office with the U.S. Congress and formerly Head of the Human Rights Unit within the Secretariat General of the European Parliament); and Prasad Nallapati (retired Additional Secretary to the Government of India and served in the Foreign Service in various countries, including Israel, Russia, and the USA. Currently, President, Centre for Asia-Africa Policy Research in India). General (Ret.) Alfred Gray and Professor Don Wallace, Jr. (Chairman, International Law Institute) made opening and closing remarks, respectively.

The presentations of the panelists are incorporated in this report following Dr. Kerr's contribution. We wish to express our deep appreciation for their participation at our seminars and for their rich personal and professional insights into the ongoing public debate on the role of intelligence in confronting terrorism at home and abroad.

As always, we are grateful to Michael S. Swetnam, General (Ret.) Alfred Gray, and Professor Don Wallace for their continuing support of our academic work. Our summer 2016 intern team, ably managed by Sharon Layani (Research Associate and Coordinator at the Inter-University Center for Terrorism Studies), provided most useful research and administrative assistance. The team includes Iakovos Balassi (University of Wisconsin), Gabriela Barrera (Georgetown University), Jacob T. Fuller (University of Oklahoma), Madeline Henshaw-Greene (College of William & Mary), Rachel Kreisman (American University), Alisa Laufer (George Washington University), Basanti Mardemootoo (University of California, Davis), Kathryn Schoemer (Purdue University), Jessica Son (University of California, Berkeley), Robert Stephens (Carnegie Mellon University), and Robert Akira Watson (University of St. Andrews).

July 25, 2016

Dr. Donald Kerr

*Former Principal Deputy Director of National Intelligence, Deputy Director for Science and Technology (CIA), Assistant Director of the FBI, and Director of National Reconnaissance Office; Member, Defense Science Board**

For the intelligence professionals here, I should probably start by saying what I think of as the first law of intelligence. If you are comfortable with it, you will have a happy career, and if you do not, you will probably get in trouble: “There really are no policy failures, there are only intelligence failures.” We have seen that played out over and over again over the years. It is a reminder that in the intelligence community, we are not in the policy community, we are just supporting it.

Occasionally the relationships will stress and strain, some of which we are seeing today. Let me turn to the point of bringing everyone together today to talk about some of the changes in the conduct of intelligence. It is really the fact that the response to violent extremism and transnational crime over the past two decades has driven much tighter integration of intelligence and operations than we have seen in the past. As one of my good friends, Mike Hayden, put it, we are closer to having OSS today than when we had OSS. What is driven that is a cycle of activities driven by the find, fix, and finish mantra that leads to act, exploit, plan, target, and act. This cycle has become a 24-hour cycle for a lot of our forces.

The other thing that has happened is that we have brought new and different types of intelligence resources to the problem. It is no longer the question of the order of battle comparison between opposing military forces. In fact, terrorism and transnational crime all force you, at the end of the day, to act on people, identify people, and understand what they are doing in order to appropriately target and intervene when it is necessary to do so. What that has led to, of course, is an expansion, particularly of those techniques to gather information on how those operations are supported, how are people recruited, how are they trained, what is the support mechanism providing them with weapons, access to the places where they would like to do us harm, and to do it in a timely manner.

We used to think that the technical part and the human part of intelligence were in the physical world, keeping track of them as they move and watching them as they do things. Of course the technology we use today creates another form of detritus, if you will, in the electronic world. We have to keep track of that as well. Key to some of the successes in recent past is the ability to understand terrorism financing networks: the ability to track the movement of funds and understand where they are going. It grew out of the capabilities of the Treasury Department in an organization called FinCEN (Financial Crimes Enforcement Network). It was enhanced considerably by what was done in the intelligence community and law enforcement, subsequent to what Treasury was able to do. It takes advantage of access to networks to understand financial flows. Similarly, the logistics can be tracked in ways that are appropriate as well. I think what it has led to, for now, is a primacy of both HUMINT and SIGINT working together to solve the most critical problems. Why do I say working together;

* Presentation delivered at a seminar on “Terrorism and Intelligence: Political, Legal, and Strategic Challenges” held on July 25, 2013, at Potomac Institute for Policy Studies.

well there are those who would say, "If I can have access to all of the communications that I think are relevant, I will know what they are doing." Well people lie on the phone or they speak in ways that are hard to understand. The counter-narcotics folks learned that years ago: their Spanish speakers did not understand the argot of those on the street. The consequence was you needed direct human interaction as well.

Mike Swetnam made a great statement about the value of technology, and I would only add one caution to that before we all rush off and invest. I used to talk to people and say "Everything I want to know from an intelligence point of view is in three buckets." The first bucket, I will call open-source. I can learn an awful lot there, limited only by arms, legs, and the ability to analyze the data, organize it and make it useful to other people. The second bucket is all of which I can only learn through human interaction; whether its clandestine collection, diplomatic reporting, or reports from businessmen returning on interactions they have had. This too is key, particularly when one is trying to understand plans and intentions. Then there is this thing we call technical collection, which is evidenced in its most expensive form by an entity I once led called the NRO. It consumes a lot of money and includes one of our best SIGINT capabilities. One fact people in Washington often miss is that only one of those three buckets has lobbyists and its obvious which one. It is the technical one, because that is where the money is. It does not mean the others are less important. It just means the others often get less attention in terms of the problems they are capable of solving. The recent disclosures, amplified by the media and some other irresponsible commenting, have focused attention once again on issues of privacy security and anonymous behavior without a clear discussion of the risks, benefits, and constraints that attend the various activities that are being discussed.

Some years ago, while at the FBI, I had the misfortune to oversee a program called CARNIVORE; some of you heard of it at the time. It was an email intercept program. It used the very properties of the Internet to comply with the court orders under which it was being carried out. That being the fact that email packet had an address on it, the court orders would say which individual addresses you could collect against. They were tied to people by name, so you would go on a big pipe and you collect the big packets that had the right address on it. I found myself in front of a house judiciary committee one morning. On the one side of the dais were people like Mr. Conyers, who has been a part of the debate as recently as yesterday, and Mr. Nadler of New York. They viewed this as another invasion of privacy and security of the public by the federal government.

On the other side of the dais, among many, was a man named Robert Barr, a former federal prosecutor in Georgia, whose libertarian view was that this was another overreach of "Big Government." I found myself in a position where the middle had shrunk to near zero. It was also true that no one had ever explained to them that new package switched systems had addressing data, that filtering and selection could be done, and, oh by the way, a federal employee who misused that kind of intercept capability would commit a felony. In those days, the penalty was five years in jail and a \$250,000 fine. I know of no one who has been prosecuted for that in recent years. I think the people who do it, be it for intelligence purposes or law enforcement purposes, are well grounded in what Title 18 and Title 50 require when you do this sort of activity. But that has not come to the fore in the debate that has gone on as recently as yesterday. Their calls for more constraints, guidelines, and oversights of

intelligence are not informed by good descriptions of the current laws and regulations. I think we are having not a discussion or a debate, but rather are having people shout at or past each other, which I think is a great loss to all of us.

Let me go to the real issue of terrorism at this moment. When I came to FBI, 8 months after that, the U.S. embassy bombings occurred in Africa. And my people were the ones assigned to what were then called crime scenes. They were assigned to collecting evidence and remains as well. One of the memories that sticks with me the most was, when going out at night in Nairobi at the scene of the bombing at the embassy, the smell of the decaying flesh; the fact you were where over 200 people died. It is an experience you do not forget. The next incident was the USS Cole. Again our explosive teams and others, joined by counterparts at the CIA, did exploitation of what was found on the Cole and also did recovery of some of the victims. That was a turning point when we went from considering these events as isolated incidents and criminal activities to considering the perpetrators as a part of a network of people with interests quite different from ours that we were up against.

This led to DCI taking this message to the White House and elsewhere, and did so well into 2001 when 9/11 took place. It took that event to really force some of the things we have seen in the last 10 years, including integration. The reality of pursuing the fight in Iraq and Afghanistan forced that integration as well. Some of us take pride that we able to do something in Afghanistan six weeks after 9/11 because CIA had a plan. We also paid for an army. What we did not have and did not have a capability to do was, having displaced the Taliban, to occupy and change the facts on the ground.

Of course it is that inability that has led to the extended engagement still going on today. The important lesson from that is that you cannot ask the intelligence community to take on a responsibility for which it is truly unprepared. It does not have the mass, the people to occupy, and that became a Department of Defense responsibly – but even that is insufficient; it needs to become a whole of government response and we have not yet done that very well. The other thing we have learned after 9/11 was the incredible value of our relationship with other government and intelligence service; we could not have done the things that were accomplished in the last 10 years without those relationships. And these are not what I will call the privilege, old relationships, the so called 5 eyes...these involve dozens of countries worldwide that have quietly and effectively helped in dealing with violent extremism that threatens both them and continues to threaten the United States.

You might ask, “What is the state of that?” One could argue up till a month ago, it was quite good. What you have seen however, is that when other governments are forced by their media, as a consequence of disclosures here, to speak directly about what they do and what they know, they are as awkward as we are. No surprise. Our relationship with them and our dependence on them are threatened by the revelations, not just by Mr. Snowden. Oftentimes our overheated elected officials, who take great pride in of accomplishment and in doing do, disclose capability and approaches we should not have disclosed. At the end of the day, it is not just leaks and unauthorized disclosures. It is the people who have made a decision on their own, and disclosed information, thereby providing a great reduction in capability.

Another important thing is public support for intelligence activities. There is always an awkward coexistence of secret intelligence activities with a democracy such as ours. It has always been an awkward relationship and it has always been easier to deal with when the intelligence side is in secret and not highly visible. As soon as it become highly visible, we have not only those who seriously want to know what is being done and what the implications are, but we also have the others who want to make an issue of it. They do so perhaps because they do not support it personally or politically and they then force a debate in public. That is not helpful for either side. We have had this week a situation where the director of NSA, the head of an agency that mainly collects and analyzes signals, was forced to become a surrogate for the policy community that is absent from the debate. That is not appropriate for a serving military officer or the director of an intelligence agency. I am worried that the inability of the senior elected leadership to address this kind of issue in an effective way is going to hurt all of us over time. It will, of course, lead to more votes like the one that was narrowly avoided last night where it is a free shot for them. It does not take any depth of thought or research to offer that kind of amendment, but it would undo an awful lot of capability that we depend on for about safety and security.

I think it is appropriate to stand and look at my neighbor, Mike Rogers, who played such an important role. He is a good neighbor in addition to being the chairman of the House Intelligence Committee. The other important thing: we are just about 30 years from the morning in Lebanon when the yellow truck came on base, detonated, and killed about 240 marines and sailors. If you really want to look for a fundamental moment we engaged this problem, that was it. It has taken a series of other events where there has been loss of life, property, and stature to get people seriously looking at what we need in terms of tools and appropriate techniques.

One of the things we need to do is sort what privacy means. There are people who will argue that security and privacy are antithetical to one and other. I do not really believe that, but it really depends on your definitions before you can discuss it. Certainly being anonymous is not an element of privacy. We have to separate that. The reason I think so is that the battle to be anonymous is one we cannot win. We give it up every day. Lots of our fellow citizens give it up for a five-percent discount at whatever set of stores they go to, and, when you log into Google and put your name in, you have given up a lot of privacy as well. We have another problem and it is a generational problem. An awful lot of people are at least two generations younger than I am; their view of privacy and anonymity are different than mine.

As a former intelligence professional, I am not comfortable using things like Facebook, Twitter, and the like. On the other hand, the people we will be recruiting, in many cases, will come with that as the baggage they bring to the job. They have different views about what they want to share with their friends and the broader public than curmudgeons like me do. We must figure out how to adapt to the expectations of our population without sacrificing on the homeland security side and safety side. Absent definitions and absent clarity, you cannot talk about legislation or regulation at all. They become blunt instruments with effects that are very hard to predict.

I think we, as citizens, need to demand more from those who make statements about this and would legislate on or regulate this rather than simply saying we do not

like the fact that the NSA uses meta data. It was not so many years ago that the courts found that metadata is not something where you have the expectation of privacy. By extension, they have argued that the metadata associated with package switched networks, not the content, the metadata is also not under an expectation of privacy. There are people that dispute that view, but the present law and its current interpretation allow for the kind of collection that the NSA has been doing. You might ask, "Why is it so valuable?" The answer is that analytics applied to large data sets have advanced considerably. In fact, they allow one to discern patterns of behavior in these large data sets where the patterns are indicative of people doing actions you would prefer them not to do. There is no content that has been exposed at that point; if there is a reason to go to content, they need to go back to a court and bring a warrant to gain access to the content. We here have again people talking past one and other. How it will work out, I do not know.

One of the things I would expect is the companies, because they are public, will find that they want a different relationship with the government than they have had. They will want to retain their records until they get an appropriate order from a court or other government entities, or they will want the government to store it and be responsible for its care. The reason is that they will otherwise be exposed to potential litigation that will hound them forever in the market place and damage their reputation. It is instructive to go back to 2008, when we were working on the reauthorization of the FISA law, if you recall there was a great debate about it at the time. There are actually five provisions; four of them about what could be collected under what circumstances and actually went through with little or no concern once the members had been appropriately informed. The fifth one hung it up for a little while. That had to do with providing immunity to the telecom companies that had supported the intelligence community so well right after 9/11.

They came to us and said, "What can we do to be of help?" The setting, post 9/11 and certainly several weeks to months, was, "Is there another attack imminent? What info could we get to allow people to work on that question of preparing for or discovering where another attack could occur?" Led by a then senior exec at IBM, 63 companies came together in northern New Jersey. They were not looking for letter contracts. They were simply asking how the capabilities and information they had could help the government in this time of need. The provision in the FISA reauthorization was to give those companies immunity from those who retrospectively thought it was appropriate to litigate because they had turned over things like telephone transaction records.

The debate that took the longest was that of providing that immunity and dealing with that part of the legal profession that thought a market was being taken away from them. It is instructive, but it is something we need to be wary of as we approach the next round of this debate because FISA reauthorization will be coming up again; it is done five years at a time. It will be inflamed, because of what has happened post-Snowden and all of the other associated publicity. I implore you to keep a clear head, ask people to justify the statements that they make, and let us have an informed debate.

Timothy R. Sample

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I have five quick points.

The first is obvious: Intel sharing is critical, especially in terms of not just combating terrorism but preventing terrorism. I would argue, and I will make this point again later on, that we do today a pretty good job at combating terrorism. The jury is still out, I think, on “preventing terrorism.” We have not Herculean efforts to prevent attacks, but have not yet addressed root causes of today’s issues in order to undercut terrorist organizations like ISIS and stop them in their tracks. We cannot do this with bombs, nor with a message. We must actually understand and address the issues that create the pool of recruits. I will not get into that today, but if anyone want to talk to me about it, especially as it relates to Africa, I am always happy to share.

There are some pretty simple realities we must face. First and foremost is, there is that no country in this world, including ours, has the amount of resources and the right resources to fully engage in this battle. There are countries, like the United States, which have phenomenal technical resources – the best in the world, I would argue. But, we tend to lack, especially since the Cold War, human resources to the extent that they can be effective in this particular environment. Consequently, we have to rely on others. There are many countries around the world which are much better at it than we are, certainly in terms of having access and sources. So it is critical to be able to share information as we go along.

The other part to that point is that our relationship with other countries differs from country to country. There are some countries that will absolutely refuse, on principle, to share with other countries. There are long histories surrounding that. This makes things more difficult and sometimes puts us in the middle of seemingly endless negotiations on sharing; it is not easy but it is necessary and critical.

The second point I will make is that intel sharing is hard in any respect. It requires a level of trust as well as a level of give and take country to country. Governments often find that hard. I would argue that it has always been easier, even today, to operate between intelligence organizations. Government to government is hard, and it takes a lot of nurturing and worship. It also depends primarily, in my view, on the oversight apparatus for each country. That becomes critical. Peggy and I have both seen this in spades while in our positions on the Hill. You have to be very careful when you have visiting legislative bodies coming to Congress to talk about certain aspects of what is going on. You have to remind yourself that the House and Senate Intelligence Committees in the United States by and large have much better and more detailed access to our intelligence operations and apparatus than any other legislative branch. This means that you have to be very mindful of where some of the information comes from. I can say this with personal reference. We had an occasion when the British

* Presentation delivered at a seminar on “Combating Terrorism: The Role of Sharing Intelligence” held on April 14, 2016, at Potomac Institute for Policy Studies.

security oversight committee visited us and I had one member of our committee talk about the marvelous job that we had done in stopping something. The information was fantastic, only to realize that the information that we used actually came from the Brits and that their oversight committee did not know about it because their level of access was different from ours. That makes things extremely hard when it comes to how you look at oversight and the relationships of intel sharing in terms of who actually has access. All those rules are different country to country.

My third point, and you cannot under emphasize this point, is that the actions of Snowden dealt a horrible, horrible blow to intel sharing. Since that event, if anybody had an opportunity to talk to the DNI, Jim Clapper, they would have heard that the relationships between intelligence entities, including ones that have been historic and fruitful, have been greatly strained by Snowden's releases. Again, that also goes back to legislatures and oversight, and we cannot underestimate that sensitivity in terms of the willingness and understanding of the dangers of sharing intelligence information, especially when it comes to sources.

Fourth is that there is always a continuous tension between law enforcement intelligence, national intelligence – not belittling law enforcement intelligence – and diplomatic intelligence. I grew up thinking all of it was intel, but I will parse it out for the moment because the reasons behind intel collection and sharing are different and, historically, have created hurdles. Those hurdles are lower than they ever have been. But the fact is that when it comes to human sources there is an issue between providing information and protecting that source for a law enforcement officer who is determined to make an arrest and go to prosecution, and the relationship with an Intelligence Community source critical to breaking up something and possibly using lethal means to do so. And that, again, is something we cannot underestimate in terms of its complexity and sensitivity.

Finally, I believe that today – with all the credit to the intelligence community and to the military, and not besmirching anybody – we tend to be too tactical. I do not think we have enough resources placed on strategic intelligence and analysis that is focused and is estimating what is happening over the next year, two years, or five years, including with terrorist organizations. We have never understood ISIS completely, in my view. We have a better handle on it today. But while we focus on looking at combating ISIS in the Middle East and obviously in Europe, I will tell you that today there are ISIS recruiters showing up throughout West and East Africa who are recruiting not just foot soldiers but are establishing footholds. They see Northern Africa and the neighboring parts of West and East Africa as part of the Caliphate. We do not have enough attention or resources on this.

It is understandable because we operate by the tyranny of the inbox. It is a fact that the Middle East, ISIS, Europe, and our own political elections have sucked all of the air out of the room. But if we cannot focus strategically on these issues, we will pay dearly for not investing in the types of relationships and the types of intelligence that allow us to play on our terms, not theirs. Now the way to do that, obviously, is to have more robust information sharing and intelligence sharing agreements with the countries throughout Africa. And we have some of that, as AFRICOM has engaged in some of these areas. But we do not tend to prioritize this enough so that we can really

get to the root causes of what is going to happen next. The defeat of ISIS in Africa may well be social or economic – at the hands of communities, not national militaries. The Intelligence Community must inform and guide policy makers to that end, and intelligence sharing is critical to that goal.

Peggy Evans

*24 years of experience in intelligence and national security programs in CIA, the White House, and the Senate. Currently, Senior Fellow, Potomac Institute for Policy Studies**

I want to start by saying that fundamentally the decision to share information is a policy decision on the part of each party. Framing the policy drives how the information is shared, and, while my background and Tim's background and those of others really focus on the practical elements of sharing in the intel-to-intel or national security-to-national security arena, I am going to say a couple of things that are little bit heretical, in terms of the role that different entities in a country or in a region can participate and be helpful in information sharing.

I am going to start with my first bit of heresy, which is that I do not like framing the terrorism issue as a war. I think that that ends driving people to use military terms like "winning," "wiping out," or "destroying." I tend to think of the terrorism issue more like a virus. We need to understand it, we need to educate ourselves and others about it, we need to predict the spread of terrorism, we need to interdict it when we can, and we need to contain and respond to it when it occurs. For me that analogy really helps me identify the roles of different parts of society in information sharing on the problem.

So on the understanding role, academia I think is a leader here, with little to no government role. Much of the ideology and the historical bases and the demographics are all elements of the problem for which the intelligence community does not have a competitive advantage. I think we need to understand that and not require or expect the resources in the government to take the lead on that. There is, of course, a role with respect to AID and USIA, but that should pale in comparison to what happens in the civil community.

On the education side, I think that peaceful Muslim leaders, community action groups, religious leaders of all faiths, and educators really need to take the lead on education. The more local the effort, the better it is here at home. And then in countries overseas or across nation-state borders, education within those communities can be a very effective way of transmitting not just information, but the ideals for which a democratic country stands.

With respect to predicting the spread, I think we can take advantage of our technological superiority. Again, I do not think this is simply a role for the intelligence community or the national security community or the State Department. I think academicians have a role here, and I would like to see our information technology base use some of the techniques that have been used effectively in other arenas; everything from simple gamification--where you present problems and provide some sort of notional reward system to get the best minds thinking about them—as well as how best to do things like modeling and simulation, and present those problems in a way that incentivizes our technical talent, not just our government talent, to take on those

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challenges. The federal government role there could be with funding, such as providing grants to sponsor those activities. Such work need not occur only in the government realm.

For containing and responding, as you get closer to the event and in the aftermath of the event, that is where government can and should play a role. And that involves not just cooperation internationally among law enforcement--with leads and with the information that is gleaned through investigation—but through the propagation of lessons learned as well as how to conduct effective first response.

So what really is the role of intelligence?

I stipulate to a lot of what Tim Sample said in terms of superiority of or the experience that has been gleaned over the last 30 years, which is when I first became a counterterrorism officer at CIA before counterterrorism was cool. There were a lot of bureaucratic obstacles to being effective within the organization, let alone across countries. But I would say today where the intelligence community and the national security community have an advantage, and where classified information has an advantage, are on things like tradecraft, identities, travel patterns, identification of facilities, and identifying actionable information for the interdiction, prevention, and response to terrorist activity. I think that this type of approach would encourage more engagement across countries when it is not just relegated simply to the governments to do so but where other types of civic organizations are encouraged to participate and to cooperate and to spread messages that are helpful. I take the one example from Indonesia wherein their Muslim community presents information and lessons that are directly contrary to the fundamentalist Islam approach. That type of cooperation internationally might make a big difference.

Dr. Wayne H. Zaideman*Former FBI Legal Attaché in the Middle East**

The FBI historically had problems transmitting information and intelligence, even within the FBI. When there were both criminal investigations and intelligence investigations on the same subject, the FBI created a Chinese Wall. The Department of Justice and the FBI Headquarters interpreted it to be necessary. There had to be an imaginary wall where you had to assign both criminal agents and intelligence agents, and there was restrictions on sharing information. After 9/11, investigation revealed that these restrictions were self-imposed restrictions and not legal requirements. There was no reason why the criminal agents and the intelligence agents could not share information.

Also, the FBI traditionally treated terrorism as a criminal matter. There was a saying, "If it blows up, we show up." A terrorist attack occurs somewhere in the world, the FBI dispatches agents to go there, investigate, collect evidence, interview people, return home, and provide prosecutive summary reports to the Justice Department. The DOJ would then issue indictments, and then prosecute the perpetrators if they could be arrested and extradited to the U.S. The problem with that was that it might take two to three years to get to that point. It would take a lot of resources, a lot of time, and in the meantime more terrorist attacks occurred.

After 9/11, there had to be a rethinking of FBI tactics and strategy. The FBI became proactive instead of reactive. Instead of reacting to terrorist attacks, it was a matter of putting the focus on intelligence gathering and taking measures to disrupt, dismantle, and prevent future terrorism. Sometimes there are competing goals between law enforcement and intelligence agents. For example, a terrorism suspect was arrested in another country (it may be in Egypt or Jordan, or another Middle East country where we have mutual assistance agreements). The FBI criminal team wants to extradite the person to the United States and prosecute him here. In my opinion, you have to think of it in terms of a holistic approach. If the FBI wants to be able to share information with foreign countries, with the CIA, and with the military intelligence, etc. you have to think like an intelligence officer, not a police officer. It may be better if they are being held in custody in a foreign country. They do not have to be given Miranda warning, they do not have to be provided with legal counsel. The criminal is not subject to U.S. laws, he is subject to the laws of the host country. We can always provide questions to the security, law enforcement, and/or intelligence personnel in that country to ask the perpetrator. We will then receive the answers. The host country would not want us to interfere in its investigation and impose our legal standards on it.

The FISA requirements (the Foreign Intelligence Surveillance Act) in the USA PATRIOT Act were changed after 9/11 to indicate that gaining foreign intelligence is a "significant purpose" whereas previously it was the "primary purpose," so it is an easier standard to meet. Title III wiretaps are used in criminal investigations and FISA

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surveillance falls under the Foreign Intelligence Surveillance Act. In Title III investigations you have to show probable cause that a crime occurred and what instruments are being used for communication, and who the perpetrators are. With FISA, all you had to show was a foreign power or an agent of a foreign power is conducting intelligence activities, a much easier standard to meet. Under FISA, even though it is about intelligence information, if during the course of the surveillance evidence of a crime occurs which is compelling, and with court permission, the FBI can furnish that information to the criminal prosecution.

There is a difference between domestic sharing of intelligence and overseas sharing of intelligence. I was in a Legal Attaché office in two of them: one covered Israel and the Palestinian Authority and the second covered Jordan, Syria, and Lebanon. When you are overseas, the legal attaché (FBI Agent) wears a double hat; he works as the representative of the FBI Director, and he also works for the U.S. ambassador of the American Embassy in those countries. You are co-located in the embassy on a country team. The country team will have CIA, military personnel, regional security officers, and they will have various elements of the State Department, such as representatives from the consular section, economic section, and political section. Because all are co-located, information sharing becomes an easy and efficient matter. You do not have to go through the bureaucratic hurdles of going from overseas to headquarters and headquarters to local offices. Information sharing could be immediate. One thing that is important is that we must protect the host country's sources and methods, and we must use the information under the conditions that they provided the information. Sometimes they may give us intelligence information that is only for intelligence purposes and that may not be used in a criminal or other public proceeding. Personal relationships are important; many times a member of a foreign intelligence service or another U.S. intelligence service will give you information because they trust you. It is an individual relationship which transcends the official agency to agency relationship.

Domestic sharing is a different matter. Historically it was a problem. There were stove pipes, both within the FBI itself and between FBI and other agencies. There was the issue of "rice bowls" where the people have their personnel fiefdoms and what we call "bureaucratic speed bumps." Supervisors were risk averse to sharing information. You had competitive agency rivalries because information is power. But that has changed thankfully over time since 9/11. In FBI Field Offices we have joint terrorism task forces, where there are members of state police, local police, FBI, DHS, ICE, etc. They are all working together in the same room and they can rely on each other for information that is needed for investigations. In the Washington area we have Liberty Crossings where the FBI and CIA are co-located and are in a position where they can easily share information. One issue is that historically the CIA was concerned about not having to testify in court, and not giving up sources and methods. The FBI was concerned about grand jury proceedings because grand jury proceedings are private and you have to have authority from the grand jury to release information.

I would like to mention that with all the criticism that Guantanamo has received by the current administration, one of the benefits of Gitmo, (besides the fact that it keeps terrorists off the streets and off the battlefields,) was that different agencies—CIA, FBI, military—are in the position to interrogate individuals and share information amongst the agencies. The host countries do not want the terrorists from Gitmo returned to them, which creates a problem. When the current administration came up with its

plan to close down Gitmo, and also to make terrorist investigations reactive rather than proactive again (treat terrorism as a criminal matter like before 9/11), it presented a prescription for disaster. To bring them to the U.S. for trial poses a risk. Much of the evidence against them derives from sources and methods and can't be introduced into court. This might cause the perpetrators to be acquitted and be let back on the streets. We have seen that so far the administration's plans to do this have not been implemented. I assume that wiser heads prevailed and put the brakes on these plans.

Geoffrey Harris

*Deputy Head of the European Parliament's Liaison Office with the U.S. Congress and formerly Head of the Human Rights Unit within the Secretariat General of the European Parliament**

I have spent almost 40 years as an official of the European Parliament. I am not quite retired yet, so some of my remarks might be a little guarded. It just so happens that my 66 birthday will be one day before the second referendum in my country about membership of the European Union, as it is now called, so it is a rather strange twist of fate.

But an even stranger and an even more profoundly disturbing twist of fate is what happened in Brussels a few weeks ago, which I will just briefly tell you about and, of course, it relates a lot to the issues which are being discussed today. Literally around the corner from where my two grandsons and their parents live, there were people, they may still be there, making suicide vests and then walking into the city center and going into the airport, where I have been hundreds of times, and causing the mayhem which they had planned. So, these different currents of history have come rather close to my door in a pretty disturbing way. So you asked me to look at the broader picture, but these images of Brussels and what might happen in the future there and elsewhere are in my mind.

I happen to have been in Boston the day the city was locked down as police were looking for the Tsarnaev brothers, and having worked on the Chechnya question and finding myself locked in a hotel with my wife, I thought "I bet I am the only one in the city who would know where Chechnya is." I happen to have been in London, walking across to the House of Commons, to meet a friend, when I saw up on the screen signs of rubble outside the Underground station, and I thought, "Oh dear, there is another bomb in Madrid," where my daughter, at that time, was living, but actually it was around the corner, in London.

But, of course, in Britain we also have a lot of experience, unfortunately, with terrorism, especially during period of the IRA campaign which, broadly speaking in 1998. So, sadly, we do, even if we are not experts, such as this eminent panel, all have a certain experience of what we are talking about. Thank you again for inviting me.

I was going to begin from a quotation from myself, but my ego is sufficiently limited, so I will begin with a relevant quotation from somebody I met during my work on human rights. I am the former head of the human rights department at the European Parliament.

So let us begin with a quote from one of the Sakharov Prize winners chosen by the European Parliament, Malala. I cannot read her words with the same verve that she does. She is an outstanding person and I had the honor to meet her a couple of years ago in Strasbourg. She said:

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With guns, you can kill terrorists. With education, you can kill terrorism. These people weren't born evil or violent, so how do we understand and begin to tackle what happens in the run up to boarding a plane to Turkey with the aim of reaching Syria. Frankly, if some politicians and so-called community leaders in places like Brussels had not placed those questions out of the realm of normal political discourse a few years ago, then we might be in a safer place today.

We all know her to be an exceptional young lady, but as an encapsulation of some of the issues we are talking about, she succeeds with these words in going beyond the basic issue of counterterrorism, and providing some understanding the overall content.

Now, the less prestigious quotation from myself, but I must say, Yonah invited me a couple of years ago to comment on the European Parliament elections, and we were discussing whether or not Jean-Claude Juncker would re-inspire the European project or if it was the end of the West as we know it. These issues, unfortunately remain, shall we say, unanswered. And I was asked to comment a little bit on the European Parliament elections themselves, which is something that in the summer of 2014 everyone was so interested in. I remember, and I checked, that I said the following:

If there is one emblematic event that you had to pick out to understand what is going on in Europe today, you could probably write a novel, a background document, or a movie about the tragic shooting near the Jewish museum in Brussels on the eve of the May 2014 European Parliament elections. That museum, which I know well, I know the guy who set it up, was a couple of miles away from where I worked for many years. The fact that somebody should attack that place was a horrendous act, a horrendous political message. That they should bomb it on the eve of the European elections makes you wonder whether such people are not more aware of what they are trying to tell us than we might ever imagine. The fact that the man arrested for the attack is a returnee from Syria, reportedly linked to Jihadi groups, really shows the dimensions of the challenges that we all face, the European Union included.

Now, that was just my intuition. The name of this person, I have seen it recently again in the *New York Times*. Nemmouche, has been frequently mentioned in reports because he was part of the network which then moved on to attack in Paris and then in Brussels. But, at the time, somebody asked a Belgian Minister, and I am not blaming her, I have no power to blame anybody, is this part of some wider plot? And she said, "No, no, no, it is an isolated incident," and then it was almost forgotten. But I remember it, and now in the light of the arrests in Brussels, as I said, around the streets where I lived for a long time, this case has been revisited, and the Paris bomber who survived, and the Brussels bomber of two years ago, who also survived, have also been picked up, and now are side by side, or at least, in one cell next to the other. So, a certain amount of intuition is indeed a key part of intelligence gathering. What was just said here about the use of academic sources to analyze what is going on is certainly equally necessary.

Now, obviously you are the experts here about all issues, the difficulties of connecting different bits of information, and how difficult it is in all countries; this is pretty obvious. It is also pretty obvious that the issues we are dealing with are global, yes it is Brussels today, but it is in many places in Africa, Australia, the United States, of course, as well, whether it is a war, or you may choose the right word to use, it is really not for me to judge.

Certainly, the sharing of intelligence is clearly vital, and I think, contrary to what you might think, the European Union has, within the limits of its competences, the European Union, was already well advanced in trying to get some sense of how to handle this issue well before the Brussels attacks. So, what we all need in such circumstances is not just wisdom, anticipation, a vision of society, not only our vision of society—inclusive, free, rule of law, human rights, whatever—but also a vision of the society where such people who would blow us up come from; how they are being manipulated in our society, but in contact with other societies outside our normal geographic area of concentration; and there, certainly, academic study has a lot to offer. This certainly requires a much wider vision than just the collection of intelligence. As has been said, human intelligence is absolutely vital, and, of course, too much information and how to handle it that is a problem the professionals have to grapple with every day.

I wanted just to say that Europe is not quite as asleep as you might think. I read articles about Belgium being a failed state, and this being a sign that the European Union is doomed. I cannot predict the future, and, of course, at such a time of concern there is reason for anguish. In terms of symbolic action, the Maelbeek metro station is one stop from the Schuman metro station, which happens to be underneath the headquarters of the European Commission; whatever the story about the original targets, it is perfectly possible that the intention was to make an explosion underneath the headquarters of the European Union, so a more clear political message could not have been given. I said Europe is not asleep, has no reason to be asleep, after what has happened in Madrid, London, Paris, and now Brussels.

In the last couple of years, there has been a whole series of initiatives; we have a Europol, Europol has a counterterrorism center, but of course, the national intelligence gathering services, they, and local police for that matter, they are the ones who do the work on the ground. So there is not a European Central Intelligence Agency, but there is a European arrest warrant, a common asylum policy, and intense discussion of the issue of how to monitor people who are traveling within the Schengen Zone. Today in the European Parliament, by a very large majority, a package of legislation was adopted on Passenger Name Records for travelers to and from Europe and the United States. A deal with the United States about data privacy was also approved. There has been for many years a sort of anti-radicalization network, based around academia, social workers, media, etc. to monitor the rise of extremism, or violent extremism, as it is called. There is also an Internet referral system for monitoring as far as possible what is going on on the Internet. There has been legislation adopted regarding the acquisition of firearms, to trafficking people or weapons around Europe. So, a lot is going on, whether it is too little or too slow, by definition, it is very difficult to judge.

I do not think it would be correct for you to go away with an image of the European Union as kind of punch-drunk or incapable of acting. There are those who say, “Well, we have this terrible wake-up call, now we must have this Security Union,” or something like that. I think these ideas may be good ones, but we are dealing with a set of really immediate issues. New treaties and new political arrangements which take years to come into effect, even if they do, are not really the order of the day. You have, also, a certain amount of skepticism about the European Union in the air, and public opinion is doubtful about new steps towards political integration. Perhaps a new effort of political education is necessary. The European Union is itself a kind of half-built house; it is a political union, it has an external action service, it has its adversaries, it has various ways of facilitating cooperation between member states in terms of intelligence gathering, but it does not have its own army and Secret Service. Whether it is a “war” or whatever definition you would like to use, or low-level guerilla warfare, or whatever, it is certainly the case that Europeans of all political parties are well aware that they are under attack, not just from terrorists. At the same time there is some soft and hard power being exerted to undermine, if not to frighten the European Union—this is being undertaken by the Russian Federation, and, of course, the role of Russia in Syria in fomenting the whole migration crisis, to some extent, is being looked at extremely closely.

So, Europe is not going to collapse, our kind of society is not suddenly going to change. Having been brought up in London, it is unimaginable that Britain would turn away from a multicultural society, even if the migration crisis is a very big and controversial political issue. We are not going to change Paris, we are not going to change London, we are not going to change Brussels, but we are going to have to be more careful about how we govern these cities and how we go about checking on what people are doing. So, I would say the plan of terrorists is precisely to create panic and to encourage Europe to move away from its basic values, the rule of law, respect for different religious groups; to fall into that trap would be a very big mistake.

Finally, let me just finish with a quotation from the European Parliament; it must have been from this morning in Strasbourg, so to say, Strasbourg time. The chairman of one of the political groups argued for a long time that it was important to pass legislation on the passenger name records and on the data privacy protection package at the same time. He said, “The PNR directive can be a useful tool in the fight against terror. However, despite the portrayal of some others, it is not a silver bullet; we will not defeat terrorism with a sort of water gun. First and foremost, we are lacking, still, in the automatic and mandatory exchange of PNR data and, most importantly, it will really only be a useful action under the conditions that the member states, the twenty-eight member states of the European Union, realize that there is no other way out other than working together to fight back against terrorist threats.”

Prasad Nallapati

*Retired Additional Secretary to the Government of India and served in the Foreign Service in various countries, including Israel, Russia, and the USA. Currently, President, Centre for Asia-Africa Policy Research**

Terrorism is a serious business and it is quite traumatic. Even under such traumatic conditions people find time for some fun. I would like to narrate a small joke that I heard often during a series of my visits to Gaza. The joke goes like this: When a Palestinian mother is ready to deliver a baby, the baby first peeps out to make sure that there are no Israeli soldiers around. And then comes out.

There is no reason to reemphasize the importance of international cooperation in combatting terrorism, whether it is in the form of sharing of intelligence, operational cooperation, or technical assistance.

9/11, in a number of ways, is the watermark in international cooperation in fighting terrorism. India has been facing terrorism from across the border for a very long time. The U.S. and its allies in Europe and in the Gulf for a long time had not only ignored terrorism emanating from across the border, but also tried to cover it up in a number of ways. Mr. B. Raman, former Chief of Counter-Terrorism in India's external intelligence organization, gave ample examples in his book, *Kaoboy's*, on how the evidence given by India to the U.S. was deliberately destroyed. Such indirect backing only exacerbated state-sponsored terrorism as the perpetrators had nothing to fear. But 9/11 had shattered such indifference. International pressure forced governments to act decisively against any form of terrorism.

There is a greater understanding of what India was going through and consequently, there was dramatic improvement in relations between the U.S. and India.

Cooperation for counterterrorism has seen considerable progress in intelligence sharing and information exchange, operational cooperation, counterterrorism technology, and the equipment. India-U.S. counterterrorism cooperation agreement was signed in 2010 to expand collaboration on counterterrorism and information sharing. A homeland security dialogue was announced during President Obama's visit to India in November 2010 to further deepen operational cooperation and counterterrorism technology transfers. This was re-emphasized during the visit of Prime Minister Modi in 2014. Since then there has been a regular dialogue on counterterrorism between the State Department and External Affairs Ministry in which representatives of intelligence agencies are also involved.

The 2008 Mumbai terrorist attacks saw the two countries work closely and identify the perpetrators and their handlers in Pakistan. However, I must point out that there were missed opportunities which could have helped prevent these attacks. David Coleman Headley was the one who did the scouting and recorded topographical pictures of the Mumbai targets which were later used by Lashkar-e-Taiba operatives to

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attack. Headley was also an agent of U.S. domestic agencies who went on regular visits to Pakistan and India. Had he been questioned and his movements shared with India, Mumbai attacks perhaps could have been averted. Despite initial resistance, it is now heartening to see that the U.S. is giving increased access to Indian agencies to question Headley.

There is similar improvement in counterterrorism cooperation and information sharing with the Gulf countries like the UAE and Saudi Arabia, who earlier sheltered some of India's wanted terrorists. The UAE has deported a number of terror operatives and Islamic State radicalized groups to India. Recently, Saudi Arabia sent to India a terror suspect who was said to be plotting to attack India. Abu Jundal was repatriated in the 2012, who was involved in the Mumbai attacks and present in the control room in Karachi. Since then, Saudi Arabia appears to be showing more willingness to cooperate with India. Recent visits by Prime Minister Modi to these two countries further cemented this cooperation on countering terrorism and sharing intelligence.

There are, however, limits to such cooperation. While many known and unknown terrorist elements are targeted for aerial raids in many theaters including Af-Pakistan, most wanted terrorist leaders like Hafiz al Saeed of Lashkar-e-Taiba and Masood Azhar of Jaish-e-Mohammed are openly roaming around, propagating jihad. Although these two organizations are banned terrorist groups and Hafiz Saeed carries an American bounty of \$10 million dollars on his head, they do not seem to fear.

China even protects Azhar from being included in the UN terrorist list under the cover of "technical hold." So what I am trying to say is that some nations follow a policy of good and bad terrorists. As long as this duplicitous policy continues it is difficult to see how terrorism can be countered effectively.

The Middle East theater is also truly suffering from this good and bad terrorist syndrome. Some regional states supported various terrorist groups. However, of late, Russia-U.S. cooperation in Syria is proving to be highly effective. This cooperation led to increased intelligence sharing and coordinated bombing of ISIS and al-Nusra strongholds, UN-sponsored peace negotiations, selecting right groups for negotiations and targeting other terrorist outfits, and pressure Saudi Arabia and Turkey to keep off sponsoring terror groups.

So there are several measures now that can help us to further such cooperation. The Russia-U.S. cooperation can be expanded to other theaters as well, such as Yemen, Iraq, and Libya for more meaningful ways of tackling terrorism. States practicing good and bad terrorism must be pressured to give up using terror as a means of foreign policy. UN should be empowered to create negative consequences against those practicing terrorism to promote their interests. Of course, regular dialogue among nations, bilateral, regional, and multinational levels could help better understand and counter-terrorism of all forms. India has such dialogues with several countries which I mentioned, including Pakistan and China. As was mentioned by the General in his opening remarks, we had an increased interaction and cooperation with Pakistan to share intelligence, and in fact the Pakistani team came to Pathankot recently to investigate attack from Jaish-e-Mohammed.

Intelligence sharing is of course a difficult area unless you have faith and trust in each other, which takes a long time, and you have to have the same mindset. Sometimes there is partial sharing, which can be equally dangerous such as in the case of the Mumbai attacks with Headley. There are reasons, of course, for different countries to deny sharing due to fear of exposure of their sources which could lead to drying of their intelligence collection measures. So, within the limits we have, I think that there should be greater dialogue among countries so that the level of confidence can be built up which would lead to better sharing measures.

Academic Centers

Inter-University Center for Terrorism Studies (IUCTS)

Established in 1994, the activities of IUCTS are guided by an International Research Council that offers recommendations for study on different aspects of terrorism, both conventional and unconventional. IUCTS is cooperating academically with universities and think tanks in over 40 countries, as well as with governmental, intergovernmental, and nongovernmental bodies.

International Center for Terrorism Studies (ICTS)

Established in 1998 by the Potomac Institute for Policy Studies, in Arlington, VA, ICTS administers IUCTS activities and sponsors an internship program in terrorism studies.

Inter-University Center for Legal Studies (IUCLS)

Established in 1999 and located at the International Law Institute in Washington, D.C., IUCLS conducts seminars and research on legal aspects of terrorism and administers training for law students.

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