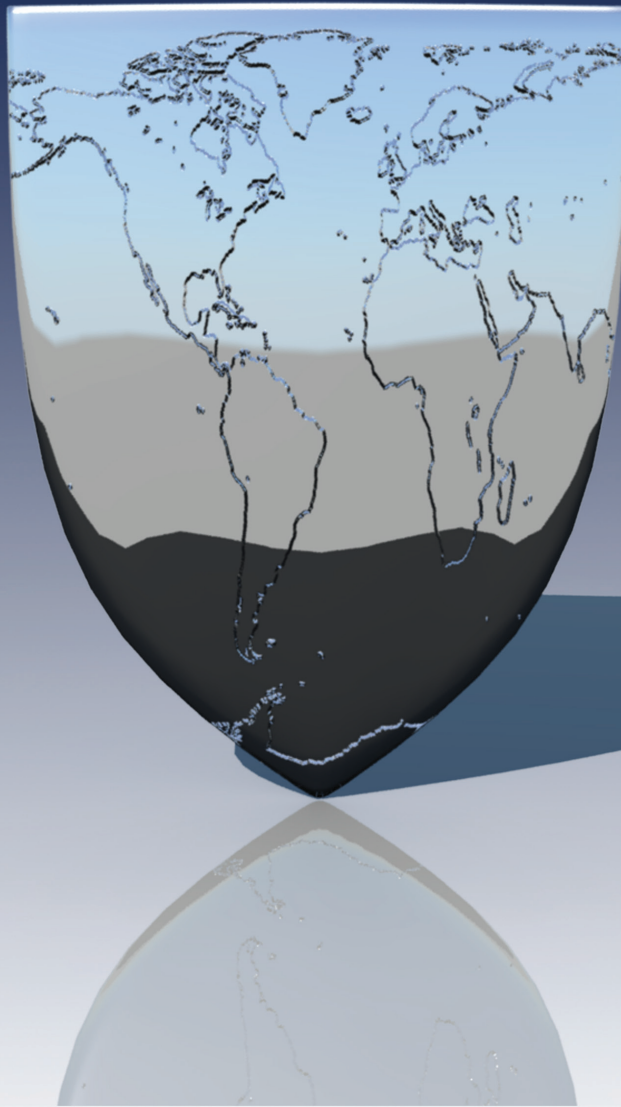


Combating Terrorism: The Role of Law Enforcement



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COMBATING TERRORISM: THE ROLE OF LAW ENFORCEMENT

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Introduction

Professor Yonah Alexander

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A Generic Context

From the dawn of history, humanity has continuously been challenged by both Mother Nature and man-made disasters. The former inflicts upon societies a wide-range of calamities, including hurricanes, tornados, earthquakes, tsunamis, monsoons, famine, drought, heat waves, and wildfires. From the "Great Flood" during Noah's era to the latest earthquakes in Japan and Ecuador, these events underscore the gravity of environmental threats, from ancient to modern times.

Additionally, history also records a broad range of health catastrophes, such as cholera, leprosy, malaria, smallpox, typhoid fever, polio, and Ebola. For instance, the last Ebola virus outbreaks that began in 2014 in West Africa and also affected to some extent other regions, including North America and Europe, killed 11,315 people by early 2016, according to the United Nation's Geneva-based World Health Organization (WHO).¹

More recently, the mosquito-borne Zika virus emerged in Brazil and is behind damaging neurological conditions of babies, potentially affecting approximately some 2.2 billion in "at-risk" areas such as the Western Hemisphere.² Deemed a "global health emergency," the Zika outbreak is also a serious security threat with grave sociological and economic implications.

The other major security threat consists of old-new man-made challenges resulting in endless forms of criminality, political violence, and economic and technological disasters. These social trends are starkly manifested, beginning with the biblical reference to the first murder perpetrated by Cain against his brother Abel right through to the contemporary era that includes *inter alia* ideologically and theologically based terror and all-out wars, growing poverty, escalating financial mismanagement, and expanding global warming dangers.

Precisely because of the nearly inevitable convulsions of Mother Nature, coupled with the multiple misfortunes triggered by individual and collective transgressions of flesh, spirit, and mind of "fallen man," societies have recognized the absolute need to

¹ See "A National Blueprint for Biodefense: Leadership and Major Reform Needed to Optimize Efforts" (October 2015) for a recent special report on the Ebola virus as well as other threats. <http://www.iucts.org/publications/reports/blue-ribbon-report-on-biodefense/>

² Moore, Jack. "Zika Virus: More than Two Billion People Live in 'At Risk' Areas." *Newsweek*, April 21, 2016. <http://www.newsweek.com/zika-virus-more-two-billion-people-live-risk-areas-450482>

establish regimes of “law and order” aimed at bringing challenges to civilized life down to acceptable levels of manageability.

That is, perceived basic self-interest considerations have encouraged communities and nation-states to develop safety strategies to assure not only survival but also stability and economic development. Reflecting on this fundamental principle is the Roman writer Publilius Syrus who keenly observed in *Sententiae* (c. 50 B.C.) “Caret periculo qui etiam cum est tutus, cavet” (“He is best secure from dangers who is on his guard even when he seems safe”).³

Law Enforcement and the Role of Police in Combating Terrorism: Some Perspectives

It is against the foregoing generic context of natural and man-made challenges that the strategic and tactical responses of law enforcement and police agencies – the topic of this report – must be considered. However, rather than attempting to provide a comprehensive study covering the infinite number of threats and dealing with security measures from a “criminal justice” perspective (that includes a focus on concepts, doctrines, structures, resources, policies, and actions), our discussion is more modest in scope.

More specifically, the purpose of this report is to deal only with some selected terrorism-related dangers, focusing on law enforcement and police responses. Special attention will be placed on past and current assessments as well as anticipated future outlooks.

Additionally, a wide range of academic and practitioners’ phraseology must be noted in connection with the meaning of “terrorism.” Generic terms such as radicalization, extremism, violence, conflicts, armed struggle, war, and even peace spring to mind. Thus, “terrorism” challenges include organized crime, piracy, low-intensity or low-level conflicts, guerrilla campaigns, insurgencies, asymmetric warfare, civil wars, cyber dangers, and weapons of mass destruction (e.g., biological, chemical, radiological, and nuclear).

In the face of such and other security concerns, the missions of law enforcement and police agencies are therefore linked directly or indirectly to broad frameworks of national, regional, and inter-regional response strategies and tactics. Among the numerous prevalent concepts, mention should be made of those such as anti-terrorism, combating terrorism, counter-insurgency efforts, clandestine operations, overseas contingency activities, targeted killings, and the global war on terrorism.

Clearly, a basic mission of criminal justice structures, both domestically and internationally, is to protect life and property, prevent terrorist incidents, apprehend and prosecute perpetrators, and provide relevant assistance to other agencies in accordance with law enforcement and police departments’ mandates, laws, and

³ Cited in Robert Debs Heini, *Dictionary of Military and Naval Quotations*. Annapolis, MD; United States Naval Institute Press, 1966; p. 291.

regulations. For example, effective tactical and strategic needs necessarily depend on quality intelligence, consisting of, among others, human intelligence (HUMINT), technical intelligence (TECHINT), signals intelligence (SIGINT), and open-source intelligence (OSINT). To be sure, related measures employed by criminal justice bodies that resort to reconnaissance, surveillance, detention, interrogation, and perhaps even torture ultimately touch on the fundamental principles of democracy. It is not surprising therefore that such concerns have become subjects of public discourse and governmental policies, beginning over 100 years ago. For instance, there is a 1902 Treaty for the Extradition of Criminals and for the Protection against Anarchism signed in Mexico City by the United States and sixteen Latin American countries. Although this early international legal instrument arranged for extradition based on criminal offenses and piracy, it excluded the extradition for "political offenses."⁴

And yet, realities on the ground subsequently dictated another course of governmental approaches. Thus, on February 29, 1920, a Police Convention was signed in Buenos Aires by seven Latin American countries aiming at "making the relations between their respective police services even closer."⁵ According to Article I(a), the Convention provided for combating "anarchical or similar acts, whether collective or individual, designed to overthrow the social order, and any other movements whatsoever which could be regarded as subversive or may affect the said public order."⁶

Since these early efforts, numerous police and law enforcement discussions and subsequent actions have been undertaken, to strike a balance between civil liberties and the battle against terrorism in its many manifestations. The following recommendations, selected at random, illustrate the nature and range of concerns that have been placed on national and international agendas as well as discussed in public debates in democratic countries:

- strengthen criminal penalties against terrorists;
- encourage greater international cooperation and extradition to overcome terrorism challenges;
- provide measures to prevent hijacking, such as the use of sky marshals, electronic searches, and multilateral conventions;
- suggest crime-fighting techniques that are most effective against terrorism in urban settings;
- insist that extradition obstacles can be overcome by national legislation;

⁴ Cited in Yonah Alexander, et al. *Control of Terrorism: International Documents*. New York: Crane Russak, 1979; pp. 3-9.

⁵ Ibid. p. 11.

⁶ Ibid. p. 12.

- advocate that international criminal law and universal jurisdiction can be coordinated within the framework of international laws of armed conflict;
- warn that homeland terrorist activities can foster fascism as a counter-measure;
- consider what tactics should be undertaken by police in dealing with hostage-taking, such as negotiations; and
- advise close communication between police departments and the media so that the media can inform the public credibly on potential or ongoing incidents.

Finally, the foregoing selected insights and practical recommendations offered by official and non-official sources only partially reflect national views. Obviously, contributions to the expanding knowledge base of criminal justice interests are also drawn from relevant regional and global institutions. It suffices to mention the recent input from two major sources. First, Europol, the European Union's law enforcement agency, published a comprehensive "European Union Terrorism Situation and Trend Report, 2015" (available at the website <https://www.europol.europa.eu/content/european-union-terrorism-situation-and-trend-report-2015>). It provides a general overview of the situation in the EU in 2014; discusses religiously inspired terrorism; surveys ethno-nationalist and separatist terrorism; and deals with left-wing, right-wing, and single-issue terrorism. In addition, useful data is provided in the annexes on the failed, foiled, and completed attacks in 2014 per EU members, and convictions and penalties (Eurojust).

And second, INTERPOL, the leading international police organization that since 1923 plays *inter alia* an important role in countering terrorist and other criminal offenses, has undertaken an action plan in connection with the Nuclear Security Summit held in Washington, DC, March 31-April 1, 2016. Among its activities, mention should be made of operational data services and information sharing, assisting investigations and operations, capacity building, and support for nuclear security within INTERPOL.⁷

Detailing some of the specific efforts that the United States is providing to INTERPOL in this area, the White House stated in a press release that:

The United States has a deep and abiding partnership with INTERPOL on countering nuclear smuggling. The Federal Bureau of Investigation provides important financial support as well as a specialized representative assigned to INTERPOL headquarters to assist in the delivery of key programs. The Department of Energy also has an assigned representative to provide support, including to the recent Global Conference on Countering Nuclear Smuggling. In addition, the

⁷ See, for example, INTERPOL written contribution to the Nuclear Security Summit (NSS). Published in Lyon, France, on March 21, 2016.

Department of State partners with INTERPOL to hold regional dialogues on nuclear smuggling prosecutions. Beyond those institutionalized mechanisms, the United States regularly supplies subject matter experts to numerous INTERPOL activities to strengthen operations, workshops, and projects, all designed to mitigate terrorist or criminal threats involving nuclear materials.⁸

Academic Methodology and Acknowledgements

Although terrorism has always been considered a foremost concern in the context of criminal justice, it was not until the early 1970s that an academic effort to develop an interdisciplinary approach was undertaken. Thus, the Institute for Studies in International Terrorism (ISIT), initially administered by the State University of New York (SUNY) system, in collaboration with educational bodies in the U.S. and abroad, conducted research on law enforcement and police-related topics. Institutions such as the Center for Strategic and International Studies, Columbia University, Georgetown University, American University, The Catholic University of America, the University of Maryland, and the University of Chicago, to mention a few, have also participated in these efforts. Numerous seminars, courses, conferences, and publications have been undertaken by the Inter-University Center for Terrorism Studies (IUCTS), a consortium of universities and think tanks in more than 40 countries. This entity was subsequently administered by the Terrorism Studies Program at The George Washington University, and for nearly two decades by the International Center for Terrorism Studies at Potomac Institute for Policy Studies in Arlington, VA, and the Inter-University Center for Legal Studies at the International Law Institute in Washington, DC.

Five academic international journals were developed for the purpose of publishing peer-reviewed articles and relevant materials focusing on threats and responses related to justice administration issues. These publications include Terrorism, Minorities and Group Rights, Political Communication and Persuasion, NATO's Partnership for Peace Review, and Terrorism: An Electronic Journal & Knowledge Base.

In addition, several book series containing material linked to law enforcement and police topics were developed. Suffice to mention *Terrorism: An International Resource File*, Yonah Alexander, ed. (Ann Arbor, Michigan: UMI, 1970-1990), 8 volumes; and *Terrorism: Documents of Local and International Control*, Yonah Alexander and Donald Musch, eds. (Dobbs Ferry, New York: Oceana Publications, 1999-2002), 15 volumes. More recently, two related resource volumes were published: *The Islamic State: Combating the Caliphate Without Borders*, Yonah Alexander and Dean Alexander (New York and London: Lexington Books, 2015) and *NATO: From Regional to Global Security Provider*, Yonah Alexander and Richard Prosen, eds. (New York and London: Lexington Books, 2015).

Other selected relevant works include: *Perspectives on Detention, Prosecution, and Punishment of Terrorists*, Yonah Alexander, Edgar H. Brenner, and Don Wallace, Jr., eds.

⁸ The White House, Office of the Press Secretary. "Fact Sheet: U.S. Support to INTERPOL." April 1, 2016.

(Potomac Books Inc., 2011); *Counterterrorism Strategies: Successes and Failures of Six Nations*, Yonah Alexander, ed. (Potomac Books, Inc., 2006); *The United Kingdom's Legal Response to Terrorism*, Yonah Alexander and Edgar H. Brenner, eds. (Ardsey, New York: Transnational Publications, 2003); *Combating Terrorism: Strategies of Ten Countries*, Yonah Alexander, ed. (Ann Arbor, Michigan: University of Michigan Press, 2002); *U.S. Federal Legal Responses to Terrorism*, Yonah Alexander and Edgar H. Brenner, eds. (Ardsey, New York: Transnational Publications, 2002); *Terrorism and the Law*, Yonah Alexander and Edgar H. Brenner, eds. (Ardsey, New York: Transnational Publications, 2001); *Cases and Materials on Terrorism: Three Nations' Response*, Michael F. Noone and Yonah Alexander, eds. (The Hague: Kluwer Law International, 1997); *Terrorism and the Media: Dilemmas for Government, Journalists and the Public*, Yonah Alexander and Richard Latter, eds. (Washington, DC: Brassey's US, 1990); *Legislative Responses to Terrorism*, Yonah Alexander and Allan S. Nanes, eds. (Dordrecht, The Netherlands: Martinus Nijhoff, 1986); *Perspectives on Terrorism*, Lawrence Z. Freedman and Yonah Alexander, eds. (Wilmington, Delaware: Scholarly Resources, 1983); *Terrorism in Europe*, Yonah Alexander and Kenneth A. Myers, eds. (New York: St. Martin's Press, 1982); *Terrorism: Theory and Practice*, Yonah Alexander, David Carlton and Paul Wilkinson, eds. (Boulder, Colorado: Westview Press, 1979); *Terrorism: Interdisciplinary Perspectives*, Yonah Alexander and Seymour M. Finger, eds. (New York: John Jay Press, 1977); and *International Technical Assistance Experts: A Case Study of the UN Experience*, Yonah Alexander (New York: Praeger Publisher, 1966).

This report, "Combating Terrorism: The Role of Law Enforcement," includes some slightly edited presentations delivered at two seminars held at the Potomac Institute for Policy Studies on "Combating Terrorism: The Role of Law Enforcement" (June 11, 2015) and "Combating Terrorism: The Role of Sharing Intelligence" (April 14, 2016). Both events were co-sponsored by the Inter-University Center for Terrorism Studies, International Center for Terrorism Studies, the Inter-University Center for Legal Studies, and the Center for National Security Law at University of Virginia School of Law.

Participants at the first event included Michael Braun (former U.S. Drug Enforcement Administration (DEA) Assistant Administrator and Chief of Operations (SES-6)); Sgt. Mark Landahl, Ph.D., CEM (Supervisor, School Resource Unit, Frederick County (MD) Sheriff's Office); Captain Dave Martin (Assistant Director, Maryland Coordination and Analysis Center, Frederick County (MD) Sheriff's Office); and Professor Dean Alexander (Director, Homeland Security Research Program, and Professor, Homeland Security at the School of Law Enforcement and Justice Administration, at Western Illinois University). The panelist at the second seminar is Dr. Wayne H. Zaideman (former FBI Legal Attaché in the Middle East).

We are deeply indebted to our contributors, both academics and professionals, for their dedication, commitment, and patience. Without their exceptional cooperation this report could not have been completed.

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As always, the contributors as well as the individuals and the institutions mentioned in this report cannot be held responsible for any errors or any other consequences arising from the use of the information contained in this publication.

Finally, we gratefully acknowledge the cooperation and the professional support of numerous governmental, intergovernmental, and nongovernmental law enforcement and police agencies and associations in over 40 countries around the world. A study recording their extraordinary contributions to our academic work is currently being prepared for future publication.

Michael Braun

*Former U.S. Drug Enforcement Administration (DEA) Assistant Administrator and Chief of Operations (SES-6)**

The role of law enforcement in counterterrorism, you do not hear a lot about it. We do not often hear about it, especially these days as law enforcement is under attack all across our country. And law enforcement is disengaging these days and it is not the right time to be doing that. I will touch on that a little bit more in just a minute.

I would like to tell you all right up front: I am a forty-year practitioner – I am not an academic so I will probably be a little rough around the edges. I hope I do not offend anyone, but I speak pretty frankly and I believe I have got some pretty powerful comments to make over the next few minutes.

You know, all these years after 9/11, there is still a recurring, lingering question when it comes to counterterrorism: who is ultimately in charge? Is it law enforcement? Is it our military? Is it our intelligence community? Just who is it? It is actually, you know, the answer should be loud and clear: it is all of the above. And, you know, it is not a single-mission for any single agency. We have to do a much better job of working together and one of the concerns that I have these days is as budgets constrict, as things become tighter, I sense and I hear from colleagues that are still in federal law enforcement, local and state law enforcement, our military and our intelligence community, that folks, agencies, and departments seem to be pulling back into their shells and information is not shared as freely as it was not long after 9/11 and up until just a few short years ago. That is something that we should be aware of and cognizant of and there are some things that I believe that we can do to turn all of that around.

You know, when I think of law enforcement's role in counterterrorism, I always recollect General David Petraeus's comment during testimony that he was making before Congress on I believe it was Afghanistan, if not Iraq. And he was talking about the insurgency and you know what he said, "Listen, ultimately soldiers don't win insurgencies. Cops do." And that is a pretty powerful statement. And let's drill into that for just a minute. Why do you think that is? And really, as the General pointed out, it is because law enforcement is anchored deeply in the grassroots of our communities. And I do not want to take anything away from our military, I do not want to take anything away from our intelligence services, but we are here talking about law enforcement today. And as I am sure that General Gray can tell you that the 16 to 20 combat brigades that were floating in and out of Afghanistan and Iraq over many many years typically were on deck for a year and they needed to be refreshed at that time. But that poses some very very difficult challenges for the next wave that is inbound as well as those that are letting go. It is law enforcement in places like

* Presentation delivered at a seminar on "Combating Terrorism: The Role of Law Enforcement" held on June 11, 2015 at Potomac Institute for Policy Studies.

Afghanistan, or right here at home that we should never forget are embedded in our communities. They know the good guys. They know the bad guys. They can sense when something is not quite right. And they can proactively – act proactively, move proactively to prevent crime, to prevent acts of terrorism. And I go back to that very first comment that I made and one of the first comments that I made is we have got cops today who are disengaging and that worries me, especially as ISIS is running roughshod around the world, especially when you consider what Congressman Peter King's words, not mine, when we have got as many as 250 Hizballah operatives now occupying turf in the United States, when we have got groups like al-Qa'ida, Hizballah, Hamas that are all over Latin America and Mexico these days, we should all be concerned about those things.

You know, talking about local law enforcement embedded in our communities, let's take it up a level and I am going to go back to local law enforcement/state law enforcement a bit towards the end. But you know, it takes federal law enforcement a minimum of a decade to build the personal capacity of an investigator or special agent that is basically responsible for investigating the world's most notorious transnational organized crime groups. That is what federal law enforcement is saddled with. And our military will never be able to develop that capacity, nor should they. That is not their job. Our longstanding military doctrine, when it comes to warfighting, is to identify, seek out, destroy the enemy with overwhelming fire and maneuver. That is not what law enforcement does. Law enforcement investigates—identifies, investigates works with prosecutors to hopefully indict, and then try and hopefully convict those very, very dangerous criminals that federal law enforcement faces. So we have two very very different types of cultures, we have two very very different types of missions.

Today, more and more of those organized crime groups that I am talking about are in fact designated foreign terrorist organizations. In fact, well over half of the 51 formally designated terrorist organizations, terrorist organizations that have been formally designated by our State Department, about 51, 52 today, well over half of those are involved in one or more aspects of the global drug trade and/or other forms of transnational organized crime – you name it.

I read an article in the Post yesterday: ISIS is selling stolen antiquities. Wow, that's a shock isn't it? I am sure that shocks everyone in here. But they are also more and more becoming involved in the global drug trade. Just like Hizballah is, just like Abu Sayyaf, just like al-Qa'ida in the Islamic Maghreb, I could go on and on. And let us not forget about the Western Hemisphere's usual suspects: the Revolutionary Armed Forces of Colombia, also a designated terrorist organization by our country, by the EU, and by many others, but it is also the single largest manufacturer and distributor of cocaine in the world. They are making not millions, not tens of millions, but hundreds of millions of dollars each year in profits on that illicit activity and it is, in fact, what keeps their movements alive.

So why are these groups turning more and more to this kind of activity? Well, because we have done yeoman's work – especially the men and women in uniform, on the front line, the panelists up here from local law enforcement, our intel community – we have done yeoman's work in prosecuting successfully our global war on terrorism. Now there have been a couple of things as a result of that that have caused these groups to shift to transnational organized crime. We have significantly disrupted the funding stream from very powerful private donors from around the world. We have also significantly disrupted the funding stream from state sponsorship of terrorists.

Consequently, if these groups are going to keep their movements alive, they have got to find other ways to fund their operations. And it costs hundreds of millions of dollars to run a global terrorist network. Stop and think about it, ladies and gentlemen. You have to successfully recruit, you spend a lot of money on that. You do not do it willy-nilly. You want to make sure that you are not bringing in a CIA undercover operative or an ICE or an FBI or a DEA operative into your ranks, law enforcement from some other nations or an intelligence operative from some other nation. You then have to indoctrinate—that costs a lot of money. In essence what you are doing oftentimes is brainwashing young, disenfranchised kids, pulling them into your ranks, conscripting them oftentimes, okay? You have to stand up safe houses around the world, you have to train them, you have to equip them, you have to pay the bribes to government officials around the world. I could go on and on and on.

I think you get the point: it costs a lot of money, to run a terrorist organization. And our military - our marine corps and our army - will never be able to train an 18 year old soldier or marine to effectively address the transnational organized crime dimension of any terrorist network. Again, it is not their job. That is law enforcement's job. The judicial approach is not a panacea but it does identify terrorists for what they are and that is a very important message to societies around the world: that, for the most part, these guys and gals that make up the ranks of international terrorist organizations are nothing more than organized crime thugs. That is really what it comes down to. And I can give you a couple of powerful examples and the General's very familiar with this first one, certainly.

The Revolutionary Armed Forces of Colombia, all fifty members of their executive secretariat, were indicted out of the Southern District of New York on international drug related charges. And the Colombian government, with the support of our military, intel, and federal law enforcement communities worked hard to educate the Colombian people on what these guys were up to, all right? And when they learned that they were moving tens and literally hundreds of millions of dollars into their bank accounts, into offshore accounts around the world, you can almost track it, really the demise of the Revolutionary Armed Forces of Colombia. You look at them today—thanks to all that effort which was part of Plan Colombia by the way, a glowing success—if you look at what is happening to the Revolutionary Armed Forces of today, desertions beyond belief. The best estimates are they are down to about 8,000 combatants now, you

know, down from as many as 40 or 45,000 just a few years ago. They are literally coming apart at the seams, folks. So you can beat these groups but it takes years to do it and it takes a multifaceted approach: military, intel, law enforcement.

Another very powerful example that I could give you is a case that I am very, very familiar with from my old days at the DEA as the Chief of Operations. The agency brought three of the original five founding fathers of the Taliban Kabul Ruling Shura to justice in the United States. Haji Bashir Noorzai first, the world's single largest trafficker of heroin but also, one of the five founding fathers of the Taliban Kabul Ruling Shura. Followed by Haji Bagcho and then Haji Juma Khan. Clearly a law enforcement approach but all three of those guys now are in federal penitentiaries in the United States where at least two of them, based on their lengthy sentences, will most likely die in prison. Who cares how we get them off the streets, who cares how the hell we get them out of the fight, let us just do it. And let us work more closely together to accomplish that.

Generally speaking, if a terrorist is operating in a declared area of war, we can deal with him pretty easily; you know we can just go out and kill him, meaning our military can or the operations branch of our intelligence services working with coalition partners from around the globe. We can just go out and kill him. But what about the rest of the world, folks? What about the rest of the world? A dear friend of mine, Admiral Jim Stavridis when he was at SOUTHCOM and I was chief of ops at DEA, we spent a lot of time together. Admiral Stavridis wanted to learn – okay, this guy wants to learn about everything - but he was very very interested in this growing confluence, or convergence of drugs and terror and transnational organized crime and terror. Why? Because he had four designated terrorist organizations based in his AOR and he had at least three others that were running roughshod all over his AOR. None of those areas were declared areas of war so he could not work with his counterparts to put U.S. boots on the ground and just simply go out and kill these guys. But when he heard about the very powerful extraterritorial jurisdictions that our congress has bestowed upon U.S. federal law enforcement, I mean he turned to me and looked and said, “you mean you can use Title 21 959 or 960(a) and ultimately bring these guys to justice and get them off the street if I just help you a bit?” I said, “Absolutely.” And that is how it works. Law enforcement can be a very powerful strategic implement of power that can be used very effectively by our four-star, Combatant Commanders, our joint commanders and others.

But let us go back now, let me just again stress the importance of local and state law enforcement. I was very fortunate in my DEA career to run four different multi-agency intelligence centers that focused not only on counter-narcotics or our fight against drugs but also on counter-transnational organized crime and counterterrorism. I was read-on to virtually every counterterrorism center in the Washington, DC area as well as around the country. I know what they all do. If anyone thinks for a moment that it is going to be one or more of those centers that are going to be responsible for

countering most of our future terrorist attacks in our country, they could not be more wrong. It is going to be local and state law enforcement.

And let me refresh some memories here. It is going to be a trooper on a lonely stretch of highway. Remember Timothy McVeigh? He brought down a federal building in Oklahoma City.

How about the motor officer, for god's sakes 62-year-old—I love that, I am 62—62-year-old motor cop outside of Dallas recently that takes down two AK 47-wielding terrorists—as far as I am concerned that is exactly what they were—who were in the process of attacking an event that was sponsoring satirical cartoon drawings of the Prophet Muhammad. I do not condone it, I do not appreciate that but I do appreciate our first amendment and folks whether you like it or not that is all part of it. But that was a cop on a motorcycle that took these guys out with a 1911 .45. It does not get any better than that. Hundred year old technology, okay, bringing down a modern-day terrorist attack underway.

How about the female officer of Fort Hood that herself was shot, I think a couple of times, and ultimately ended the killing spree by Major Nidal Malik Hasan? That is what it is going to be, folks.

You know, one thing that concerns me is that a terrorist group simultaneously attacks a number of shopping malls in our country. And there has been a lot of talk about this over the years, I am not planning a seed here, you can find it all on the internet. Who is going to stop that kind of nonsense? You know, it is going to be an off duty local or state officer most likely who has got his ankle holster on and is going to nip it in the bud before it really turns bad or who will stop it after it does turn bad.

And I will end where I started: what concerns me today is our law enforcement officers are under attack. And I understand it because I wore a uniform as a uniform cop working my way through college on the GI bill after I got out of the Marine Corps in the early 1970's, and I was a member of a state police agency for seven years after that before I signed on to the DEA where I spent 25 years; I understand what these folks go through day in, day out, and they are disengaging and I understand why, and I think everyone else does in this room. And now is not the time to be disengaging at a local level by our local law enforcement officials.

Sgt. Mark Landahl
Ph.D., CEM

*Supervisor, School Resource Unit, Frederick County (MD) Sheriff's Office**

I want to introduce you to Frederick County and then to me. I also have the PhD side, so I get a little bit to wear the professor hat as well. And having been a former—I am on career number four now—having been a history teacher for a long time, I tend to look back before we look forward – sometimes the answers are there.

But I want to quickly at least introduce you to Frederick County. People say, “Where’s Frederick County?” and then they usually nod when I say “Well, we are where 270 ends,” and they go “Oh okay” if you are down in the District. So up there, and you know obviously that road goes both ways, because we do have the Fort Detrick up there and some of their anthrax visited down here several years ago as we recall. We also have the Presidential Retreat at Camp David and a lot of other federal activities up there. We have been the host sites for some large events including the 2012 G8 Summit and just recently here in the last few weeks we had the Gulf Cooperation Council up there. So for a suburban/rural sheriff’s office, where we have 180 deputies policing 664 square miles and 230,000 citizens, we have a little bit different orientation down here than your more urban policing.

So there are a few things I wanted to get into and one them goes with the history, the PhD hat. So I get to start with a quiz. We know we have our current focus on the lone wolf and self-radicalization, but I wanted to read something and see if, I will not shout out or look for answers, but really quickly hearing this and this saying, “what is the time frame on this?,” and “where does this fit?” So this is a quote from a radical:

At first glance, such a type of organization seems unrealistic, primarily because there appears to be no organization. The natural question thus arises as how are we, the phantom cells and individuals, to cooperate with each other when there is no intercommunication or central direction? The answer to this question is that participants in a program of leaderless resistance through phantom cell or individual action must know exactly what they are doing and how to do it. It becomes the responsibility of the individual to acquire the necessary skills and information as to what is to be done. This is by no means as impractical as it appears because it is certainly true that in any movement, all persons involved have the same general outlook, are acquainted with the same philosophy, and generally react to given situations in similar ways. All members of phantom cells or individuals will tend to react to objective events in the same way through usual tactics of resistance. Organs of information distribution, such as newspapers, leaflets, computers etc.,

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which are widely available to all, keep each person informed of events, allowing for a planned response that will take many variations. No one need issue an order to anyone. Those idealists truly committed to the cause will act when they feel when the time is ripe, or will take their cue from others who precede them. While it is true that much can be said against this type of structure as a method of resistance, it must be kept in mind that leaderless resistance is a child of necessity. The alternatives to it have been shown to be unworkable or impractical.

Now, I do not know if anybody knows off the top of their head where that comes from but that comes from the American Right in 1992, part of the inspiration for Timothy McVeigh's bombing of the Oklahoma City federal building, the Murrah Federal Building.

It kind of frames things because in addition to that domestic right wing, we have heard that more recently from ISIS, ISIL, AQAP; they both advocated for lone wolf attacks, this idea of using small scale leaderless attacks, is obviously not at all new. As we know from Inspire Magazine, we have seen many ways that have been proffered to put out there into that same type of structure that was defined or described by the American Right in the 1990's; you know providing the now infamous "make-a-bomb in the kitchen of your mom" and looking at these things and how to deploy them successfully. This threat environment is somewhat complex, but the underlying nature of the threat really is not very new. With that change though too is the targeting of police officers – it has kind of given me a different view of that marked car that is parked in my driveway each night in front of where my children sleep.

This kind of leads this question that we have before us: what is the role of local law enforcement in countering terrorism? I think most importantly here, the philosophical side too, is how do we combat terrorism while preserving our core civil liberties that are so important to us? American opinion since 9/11 consistently tracks to favor liberties over anti-terrorism measures. Just four months after 9/11, polls showed 47% of Americans said the government should take all necessary steps to prevent terrorism, even those that violate individual liberties. Well that was almost half saying that four months after 9/11. One year after 9/11, that gap widened saying that 62% – saying that these measures should not violate civil liberties, and a poll just released yesterday had 65% of Americans saying that civil liberties were obviously more important than anti-terrorism measures.

We have a long history of dealing with asymmetric threats, sometimes during time of war and other times in relative peace. We often forget to engage our history and that is kind of where I go in identifying that our current problems are so fundamentally different from things we have faced in the past. It is, you know when you go digging into the past, how many people in here know that in June 1919, within 90 minutes of one another, bombs rocked seven American cities – including New York, Boston, Pittsburgh, Cleveland, Patterson (New Jersey), Philadelphia, and Washington, D.C. which included at the time home of Attorney General A. Mitchell Palmer. Or the bomb that killed nine police officers in a Milwaukee police station in 1917, which is the largest single loss of life among law enforcement officers in U.S. history prior to 9/11. As we know the bombings were a concerted effort at that time among U.S. anarchists to alter American

government. These bombings and many others resulted in the Espionage Act of 1917, the Sedition Act of 1918, where speech was essentially made a crime, leading to the Palmer raids. History delivers us the lessons and lessons that we have in failed policy responses or things that shake our fundamental nature of what we are as Americans.

So where do we stand with this? With local law enforcement and what do we do? The core effort for local law enforcement lies in that effective community policing that is predicated on trust and the development of partnerships between police forces and community organizations. A 2014 report put out by the International Association of Chiefs of Police (IACP), identifies that when based on trust, transparency, respect, and mutually-understanding partnerships can foster a common purpose of keeping communities safe from all types of violent extremism, all types of violent crime as well.

And some of the key things too, you know as being the guy who would start – not too long ago – was the one at the end of the line who did the knock on the door to start looking at a terrorism lead. Police may not pick up the anomalies in a community. If you have a partnership with communities and a trusted relationship, they will pick up the anomalies and if they trust you to bring them to you...they will bring them to you. I do not know that necessarily I did anything so right or so wonderful but, I have life-long friends in the community where I did investigations – that we are friends now, we talk, and that was the community where I had to go in and do investigations. But we developed a trusted relationship where I ended up learning so much about groups that sometimes we may not see in our community, or see that they are there – that is where we have to reach for all of the things. Part of what I do now running a community policing based unit.

So the IACP report recommends a five-principle approach to community policing. They say to foster and enhance trusted partnerships like we talked about, engage all residents to address public safety matters, leverage public and private stakeholders, utilize partnerships to counter violent extremism, and train all members of the departments. And I think sometimes the last one is the hard part, about training all members of the department. A community policing style sometimes in organizations and police organizations—we have people who do community policing, they are a community policing unit, and you have a Jekyll and Hyde approach to policing. So it is one of those things that you need an organizational orientation and a strategy that everyone is part of that community policing philosophy and it can creep – especially if we get into things of you know, street crimes units and things like that, but any investment you make in community policing that stays only in one unit, can be mortgaged by more heavy-handed police tactics that end up for other units. It is one of those things that need to be throughout the organization.

Beyond community policing there is another thing we have to consider in law enforcement and there is an inherent resource competition between the protection of critical infrastructures and the prevention pieces of community policing. So that is a question sometimes – this is where I get the academic license too, I get to leave more questions than answers. Do we protect assets with personnel or do we put them with

the communities to form those relationships? Those are the type of resource questions that I do not necessarily have a direct answer for – but questions that we have.

We also have the potential withdrawal, I do not mean different communities have different things going on, but we need to select police officers for these community policing strategies and traits, the personal traits that make a difference. I picked up – it just came in the mail yesterday and I opened it up. It is the Police Chief magazine talking about the new tactical social interaction training. It frightens me that we have to train social interactions. We need the gifted communicators in uniform. I mean this is great, I am not downplaying it at all, but the fact that we need it tells us that there is a problem. So it is just one of those things, I think you know as we change. There is a report that Rand put out and I really like this quote they said: “The nature of policing has broadened to a more diverse range of missions requiring complex set of skills from officers. In short, the expanded responsibilities for local police require an expanded set of police skills and perhaps a different type of officer,” and we may be at that point. We have to look at how we are doing this and our entire enterprise. The orientation of it, and who we are hiring and who we promote based upon what traits as we try and reengage policing in an environment where as an enterprise, we have lost some trust.

I think also that we need to reevaluate the education versus training aspect of the 21st century. We tend to throw education and training in the same thing. There is a great Admiral Cebrowski quote that read – Cebrowski, who led the transformation in their education and training – he had a great quote that said, “You train for the known and educate for the unknown.” We all throw again, education and training together and sometimes the line is not clear. I had somebody clear it up for me; I have two young daughters and if they want to explain to you the difference between the education and training, you say, “Do you want your young daughter having sex education or sex training?” That quickly draws the line between those two elements, for anyone who has daughters.

So again, I think I tend to have an inflated amount of education for somebody in uniform, but I think we need a lot of the things that we get from a broad liberal arts education. There is some research that shows that a lot of the markers for police officers that, again, taken as populations, with people being exceptional both ways. As populations, police officers with a bachelor’s degree are more empathetic, recognize differences, are more culturally competent, and I think some of that comes from broader education that they receive from a liberal arts education.

Just two quick challenges, I think are local law enforcement’s role in the virtual space that is going to continue – I know at least working in a community policing unit mostly with young adults, the virtual space is a challenge for us from all manner of crime, not just extremism. So I think we have to define that. And then as we move to other things and some academic type – I know there is a big movement now among police agencies that there have been a few studies trying to push social networking analysis down into police agencies and things like that. How do we engage some of those more academic principles at a local level?

Captain Dave Martin

*Assistant Director, Maryland Coordination and Analysis Center, Frederick County (MD)
Sheriff's Office**

I want to start with a little bit about local law enforcement perspective, just tying in what we are talking about with terrorism on a global scale and international scale to the national picture and down into where the rubber meets the road.

Not surprisingly to some of you, law enforcement has been somewhat slow to keep up with the technological surge largely to do with budgetary constraints. So over the course of my career I have seen people get days off or working days without pay, and then everything got great in the late 90's, and a few years ago and then we hit a downward trend again. So when it comes to keeping with the latest, greatest technology, we are not usually in the forefront of those types of things.

Also, to give you some perspective, information sharing at least with local law enforcement is a relatively new concept. What I mean by that is in the past 15 years, since 9/11, that is when we really started realizing that "hey, the world does not end at the edge of our jurisdiction", it does not fall off. The information stopped there but the crimes and the people that precipitated them, they crossed over.

We are here in the national capital region and I am sure a large portion of you probably either live in Montgomery County, Maryland, or Fairfax or Arlington, or Washington, DC, or something like that. Places like Montgomery County, Maryland, which are very wealthy, they get ahead really fast on the technology so they usually get it first. Nothing against that, but they leave the rest of us in the dust. So they are operating in one manner and we are operating in another manner. Now by the same token this means that they are using Myspace and we have to wait until Facebook to send things out. They still have the latest, greatest thing. That leaves some gaps in our capabilities and for information sharing.

Part of what I am tying together is about the Fusion Centers. These are created in the new spirit to be sure information is able to travel all the way from street level encounters to the state level and to the federal level so that it can be properly processed. Those were some of the lessons that were learned from 9/11. Even, not picking on NYPD or FDNY, but the Police and Fire have radios; they are standing next to each other and they cannot communicate to each other. So those are the types of things, interoperable communications, that we have been trying to work on for the past decade and a half.

Also mentioned by a couple of my fellow panel members, is about social media: the explosion of social media in general, its use not just by news organizations or

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corporations or government, but the capability by every single person on the street to interact has created this whole new thing that we have to deal with and frankly, like I told you first, we are slow to catch up sometimes; we are reactive. It has taken a while to get a handle on that and we are not anywhere close to that yet.

Something from the criminal side that we have to deal with largely when we go to court, and I would equate it somewhat to what we are dealing with here too, is what we call the "CSI effect" where the jurors who are sitting in the box, they are like, "This only takes 60 minutes on Tuesday night to wrap this whole thing up. Why do I have to sit here for two weeks listening to this story?" So we are pushed much of the time to do things quickly.

In our current situation, if you ask any police chief or sheriff they are going to tell you "all crime is local", and that is largely true because that is again the parameters of what we are charged with to deal with. With terrorism, you need to have a macro view. Again, coming from the global view, to the international, to the national view, to the state and local view. So there is a little bit lost in translation there and may be somewhere between conviction and hearing.

For us, after 9/11, it also made things fairly clean for us here in the U.S. because acts of terrorism are going to be investigated by the FBI. Now is your local jurisdiction going to be the first one on the scene and the first one to begin the investigation? Yes, you are, but we have standardized procedures to do everything right and it's a seamless transition. If you live in an area like ours, we actually have a resident office. We are about 40-45 miles from Baltimore and Washington, DC, so the Baltimore field office of the FBI and all the Federal agencies cover the state of Maryland and Delaware also.

So the fusion centers are bridging the gap between the federal, state, and local partners and I am going to speak primarily about the Maryland Coordination and Analysis Center, which is the state Fusion Center that I work at as an assistant director. We have a rather large staff there. It fluctuates between 85 and 100 people that work there. There are other ones such as New Hampshire, which is a state police facility where they have more like 5 or 6 people. They are open business hours; we are open 24/7 with a large section coordinating with emergency management, coordinating with FBI and all the other federal partners too.

We have a little saying in the fusion center, "In our world, if you have seen one fusion center, you have seen one fusion center" because out of the 78 official fusion centers across the United States, they are all different. Staffed by different government organizations, they are different sizes, they have different focuses of things that they deal with. So that is a little bit of a challenge in one sense but in the other sense it is nice to have a diversity when we meet and talk to each other, we really do share good ideas and because we are dealing with different challenges and different relations and different geographic areas and it helps us to hopefully get better faster.

Mark mentioned that law enforcement officers receive some basic training at the police academy level when you first come in. That was not the case however when I started. Terrorism was simply not on the radar. You were learning everything else. How

to do ABC. Some of us embrace this field a little bit more than others but I can tell you that over the years, many of them—I will credit Mark who encouraged me to finish my Master's—are pushing other people to get their education, take the free classes that they are offered. And that is something that I could have never seen, when I was your age, when I was starting my career like many of you who are sitting here, I never dreamt that I would be sitting in a room like this, speaking to a group of people like you, with my fellow panel members who have done incredible things.

So one of the tools that we use that has been pushed out over the years with local law enforcement nationwide is what we call the National SAR Initiative. SAR is the Suspicious Activities Reporting that is an attempt to standardize the information being reported and making it so that it can be taken somewhere where someone can do something with it or just so that someone has an awareness so that they might be able to do something with it later on.

To date myself a little bit, I see with this side of the room, I am kind of on the same page with you. I will address this (other) side of the room. Again, when I was your age, and this is how far we have come, if they said on the radio "We need you to give us a call about whatever." Okay. So you drive to the nearest convenient store and pick up the pay phone, dial 911, and say, "Yo, what's going on?" Because they would not want to broadcast it over the radio. I think we are so far past that now. Everyone has a smartphone. No one is out of touch, ever. People wake up in the morning and open up their phones and stuff. Not me, I have heard other people do that. So we are connected all of the time.

We also have that demand of "we all want to know what is going on all of the time", too. It seems like law enforcement is stalling sometimes, but we are trying to get the story right because if we say it wrong the first time we are going to hear about that later. So we make sure we get the story right before we say it the first time.

The suspicious activity reporting, there are really two strings that it can go in. What they call eGuardian, which is for individual agencies to directly submit this information into the federal system for evaluation. And again, MCAC in Maryland is one of the unique ones where we are partnered with the FBI and make direct Guardian entries, which is somewhat unusual but we are one of the first Fusion Centers that stood up in the country. Again, those who get out ahead sometimes do it differently than what the National SAR Initiative wants you to do later, or now.

Something else I want to mention is that a lot of times we hear about the bad things that have happened. We do not always hear the story about the intervention that took place ahead of time-- that is not as newsworthy that we prevented a terrorist act from happening. Maryland is a nice little hot spot. From a presentation I sat through from the FBI, between 2001 and 2012, approximately 60% of the terrorism cases that you saw covered by the news had a connection to Maryland, which is a tiny little state with a population of 5 million. So as I said, we are a nice little hot spot for that kind of stuff with everything from Jihad Jane to the Martinez case where a person was plotting to blow up a local military recruiting center. Fortunately, the FBI was able to get in there early

enough and I saw the videos of the person sitting there in the passenger seat dialing the phone to set off the explosion and nothing. Dialing it again, send. Nothing. Dialing it again, send. Nothing. You knew he was intent on doing that. So that case did get some news coverage but to see it first hand, and this is not overseas. This is not somewhere else. This is right here in our backyard where we do our work.

I want to give one other very interesting case that you will not hear about anywhere else. There was a student in a local high school who was doing some, for lack of a better term, crazy writings. Not religiously radical, but truly mentally unstable writings. This was somehow brought up to the attention of his school resource officer whose sergeant just happened to be a PhD candidate working in terrorism and homeland securities studies, who happened to be Mark Landahl. We bring this up and this person was actually sent away for, I mean committed, which does not happen often anymore. Committed for mental evaluation in another state because that is how much, even the courts thought, this person is very dangerous. After he was evaluated at that center, he did return. He went up to the next notch. This is something that you can see exactly where this was going. Instead of just writing crazy and doing little things with his girlfriend, he was acting a certain way, bordering criminal activity. When he returned, actually, he had a couple of co-conspirators doing a burglary, holding a family hostage, and things like that. So, like I said, this is somebody who was breaking through and progressing through, getting more and more dangerous to the general population. And again, the relationships we have with federal partners, like FBI. We sat right with them, whatever the case, and it goes right to their Behavioral Sciences Unit, which helps us to learn so that we can better know how to approach these kind of things.

So one of the other things that really put Fusion Centers on the map is addressing cross-jurisdictional crimes. It may sound easy or we think, "Hey, doesn't it happen all the time anyway?" No. Largely in the past because of the communication limitations, because of the information sharing limitations, records keeping limitations, we did not do that. By 2013, when the Boston Marathon bombing took place, they had a Fusion Center in the city of Boston called the BRIC, The Boston Regional Information Center. BRIC was utilized to put the information out there in the fusion center world where centers, like ours, are able to see it. Of course, everyone was calling, "hey guys, can I help out?" and that kind of stuff. By the time they determined that the Tsarnaev brothers have an uncle that lives in Montgomery County Maryland, is somebody going to his house? Yes, lickety-split, someone is going to be there. And we are already on top of it, so we are running the background information while there are local affiliates from FBI and local police departments responding. So that is how the things go quickly and we try to help quickly and give the information back that they may need, when anything actually happens. When the attack starts, it is already too late. That is why we try to intercept the things.

I will give some of the other things Professor Alexander had asked me to talk about here, the recent case, the Boston case with Usaama Rahim, on the second of June, 2015. What I did was I went through some of the news articles just to see, which agencies and jurisdictions were mentioned: Boston Police Department, Everett Police Department, FBI Boston, and Warwick, Rhode Island. So you see we have two states, four different organizations, local and federal mentioned there. The affidavit mentioned

a planned victim of another state, so there was FBI coordination going across state lines. There was one co-conspirator, David Wright, who was arrested. So that is a recent and typical case about how we operate right now, or try to operate nowadays. We really try to do a better job than what we used to. Every time something like that happens, we are doing the after-action or debriefing amongst ourselves and sometimes with the other centers.

What can we do better? We have conferences where we try and exchange information and do much of what we are doing here today, which is trying to understand better what is going on, how we can improve ourselves, and what we can do better. I only have one quote here and it is really short, but this is from Chairman of the House of the Homeland Security Committee, Representative Michael McCaul of Texas who had a hearing Wednesday, June 3. He said that "these cases are a reminder of the dangers posed by individuals radicalized through social media...communicating with and spreading ISIS propaganda online." It hits home. It happened in Texas but is that local for us? Essentially, these characters drove 1,100 miles over three states, again touching numerous jurisdictions and that is why it is up to us to try and put this approach together to try to be more effective in our responses.

The last thing I want to mention is something I previously touched on, which was about the outreach we do both as Fusion Centers and as local law enforcement. The first responder community at the local level, I can tell you that the county we have worked in is excellent.

We have a structure that Mark largely designed with a committee at the county government level where all the division directors—and we work for an elected official, a sheriff, so he is an executive level just like the county executive—all of us come together and regularly exchange information. We work with our county health department as much as anybody else and private sector, also. One of the things that the private sector uses, what Mr. Braun was talking about, that we need are the eyes and ears of everybody out there. There is an FBI program "Tripwire," so that if you work at a beauty supply store and somebody comes in and they do not own a beauty salon and they want to buy 25 bottles of peroxide, then please call us.

I think that those types of things, like Timothy McVeigh, I think he would have been detected, at least. Even if the intervention could not have taken place, this guy is making the ANFO (ammonium nitrate/fuel oil). He buys all this fertilizer and is not a farmer. What practical use does someone have for that?

So we are aware of our previous mistakes and we really are making a concerted effort to try and improve ourselves and we all live in the same communities that you do. So we want to do a good job and that is about it.

Professor Dean Alexander

*Director, Homeland Security Research Program and Professor, Homeland Security at the School of Law Enforcement and Justice Administration at Western Illinois University**

The revelation of a traffic stop for speeding in Pakistan involving al Qaeda courier and Osama bin Laden bodyguard, Ibrahim al Kuwaiti, around 2002-2003 underscores the importance of traffic stops in undermining terrorism. During the encounter, Al Kuwaiti settled the issue quickly with the compliant Pakistani traffic police officer. It is not known what transpired (a payoff or some other settlement), but al Kuwaiti, bin Laden—who apparently was clean-shaven—and the other passenger in the car drove off, eluding detection of the most wanted terrorist in history. Only in May 2011 did bin Laden meet his death during the U.S. military raid at his compound in Abbottabad, Pakistan.

Law enforcement has used traffic stops to detect criminal activity for decades. Its use in the terrorism context gained greater resonance since the 9/11 attacks, when it was discovered that three of the four pilot hijackers—Mohammed Atta, Ziad Jarrah, and Hani Hanjour—were stopped for traffic stops in the U.S.

Pilot ringleader Atta was stopped twice during traffic stops in Florida. In April 2001, he received a ticket for driving without a license. When Atta was ticketed for speeding in July 2001, the arrest warrant for his failure to show up for his hearing on the previous citation was not entered into the police database.

In August 2001, Hani Hanjour was stopped for speeding in Virginia. On September 9, 2001, Ziad Jarrah was stopped for speeding in Maryland. Within days, Jarrah piloted United Airlines flight 93, which crashed near Shanksville, Pennsylvania.

Earlier on the road to 9/11, in April 2001, hijacker Nawaf al Hazmi was stopped for speeding in Oklahoma. 9/11 pilot Hanjour is believed to be in the car with al Hazmi during the traffic stop. Had only one of the four September 11 pilots been available that fateful day, clearly, world affairs during the past dozen years would have been completely different.

Two days after 9/11, in Peoria, Illinois, Ali al Marri was stopped for a traffic stop for not having his child in a child restraint. The sheriff's deputy who stopped al Marri noticed that he had an outstanding warrant for driving under the influence. Inconsistencies in al Marri's story were later referred to the FBI. Ultimately, al Marri, who was sent to arrive to the U.S. by 9/11 mastermind Khalid Sheikh Mohammed, pled guilty to conspiracy to providing material support to al Qaeda.

* Presentation delivered at a seminar on "Combating Terrorism: The Role of Law Enforcement" held on June 11, 2015 at Potomac Institute for Policy Studies.

In July 2006, Naveed Haq was stopped and ticketed in Washington for driving on a street where only buses were allowed. Later that day, Haq killed one and injured several others in a violent jihadi attack at the Seattle Jewish Federation office. At the time of the traffic stop, Haq had two guns and ammunition in his vehicle.

In September 2009, Michael Finton was stopped for a traffic stop the day before he was planning to undertake a bombing of a federal building in Springfield, Illinois, on behalf of al Qaeda. While the sheriff's deputy who stopped Finton was unaware of Finton's plans, he did impound Finton's car. Finton was able to get to the target location the following day. Fortunately, Finton was the subject of a Federal Bureau of Investigation (FBI) sting operation, and was arrested after trying to detonate inert explosives under the careful watch of an undercover FBI agent. Still, had Finton's collaborator in the plot not been law enforcement, then the "missed opportunity" during the traffic stop would have proven weighty. Ultimately, Finton pleaded guilty in May 2011 to attempting to bomb the building and was sentenced to twenty-eight years.

In January 2011, an Arizona Department of Game and Fish officer conducted a traffic stop on Jared Loughner for running a red light. Loughner had a valid driver's license and no outstanding warrants. When the officer told Loughner he would be receiving an oral warning and no citation, Loughner was thankful and cried. The officer asked Loughner if he felt well enough to drive, and Loughner said yes.

Later that day Loughner took a taxi to attend a constituent's event of U.S. Congresswomen Gabrielle Giffords at a Safeway supermarket. There, Loughner, who embraced antigovernment and militia tenets, shot and killed six people, including a federal judge and nine-year-old girl, while injuring twelve others, including Giffords.

Hezbollah-linked brothers Mohamad and Chawki Hammoud led an elaborate, North Carolina-based cigarette smuggling operation. In 2000, the cabal was stymied after a long investigation spurred by an off-duty police officer, who observed two men using bags of cash to purchase large amounts of cigarettes at a tobacco discount outlet. This organized criminal/terrorist syndicate hired women to ride along with them during their trips from low cigarette tax North Carolina to high cigarette tax Michigan. On several occasions these drivers were stopped for traffic stops without any revelation that their trips funded the movement of money and dual-use technologies to Hezbollah. To the officers conducting the traffic stops, the inclusion of women as passengers plus the fact that bicycles were strapped to the back of the minivans—which unbeknownst to the officers were hauling contraband cigarettes—gave the impression that the occupants were on a family vacation.

In retrospect, whether additional inquiries by police during these traffic stops would have prevented the aforementioned incidents is unknown, although the traffic stop in

Pakistan involving bin Laden certainly reinforces the need for viewing traffic stops as a tool for interdicting terrorism and extremism.

Still, there have been instances of police undermining prospective terror plots or capturing terrorists during traffic stops. A few such noteworthy cases include:

- Timothy McVeigh, convicted terrorist of the 1995 Oklahoma City bombing, was stopped during a traffic stop for not having license plate on his vehicle. The stop took place on an Oklahoma highway after McVeigh left the scene of the bombing. McVeigh was in the custody of authorities from that point until his death sentence was carried out in 2001.
- In April 1998, police arrested Yu Kikumura of the Japanese Red Army while he was sleeping at a New Jersey Turnpike rest stop, when they saw explosives in his vehicle. Kikumura had planned to bomb a U.S. Navy recruitment station in New York City. He served some 18 years in prison for explosives-related and other violations.
- In 1999, Algerian al Qaeda member Ahmed Ressay was in Canada, on his way to attack the Los Angeles airport, around the millennium. A U.S. Customs officer at the Canada-U.S. border interacted with Ressay, who acted suspiciously. During a subsequent search of Ressay's vehicle explosives were found in the trunk. Ressay tried to flee on foot, but was captured by government authorities. Ressay pleaded guilty to his terrorist plans and was sentenced to thirty-seven years in prison.
- In August 2007, Ahmed Mohamed was stopped for a traffic stop for speeding by county sheriff's deputies near Goose Creek, South Carolina. A consent search of the car yielded explosives materials and his laptop. Law enforcement discovered that Mohamed's laptop contained many files on how to manufacture of bombs, rockets, and other explosives as well as videos of such items being used against U.S. military forces abroad. Also on the hard drive was a video of Mohamed made explaining how a remote-control toy could be converted and rewired to serve as a bomb detonator. Mohamed said he uploaded the video to YouTube so that "martyrs" could use this knowledge when fighting the U.S. military, which he characterized as "invaders." In December 2008 Mohamed was sentenced to fifteen years in prison for providing material support to terrorists.

During a traffic stop, police officers should carefully examine the driver's license, vehicle registration, and insurance. Red flags of possible criminal and/or terrorist activity include: the driver's license and vehicle registration not being from the same state; an altered or forged license or title; driver's license photos that do not match; and vehicle registration that is different than the name of the driver.

Also, if a passport and international (or foreign) driver's license are given to the officer, careful review of the documents is warranted as they may also indicate illegal entry into the country. Terrorists may also travel abroad, including to terrorist-supporting countries or where terror-training camps exist. Individuals possessing multiple identification instruments, and different names are often a serious indicator of other wrongdoing.

During a traffic stop, officers should look for things that are inconsistent or incongruous. One such example might be a driver claiming to be on a long vacation or business trip but possessing no luggage. Additionally, the number of vehicle occupants, demeanor and behavior (e.g., vehicle activity indicative of reconnaissance at a government building or school), basis of the stop (e.g., speeding, driving erratically, or driving without a license) are part of the totality of circumstances that officers should weigh.

Most importantly, officers should consider requesting consent searches when circumstances warrant. As police officers rarely ask to obtain consent to search a car during a traffic stop, a paradigm shift is necessary as searches can stymie terrorist and extremist activities.

The occupants of the vehicle may also give clues. Officers should look for dissonance such as inappropriate clothing. Terrorists may wear long sleeve shirts or coats in hot weather to conceal weapons, explosives (e.g., suicide bomb belt), illegal drugs, documents, and cash.

Terrorists may travel considerable distances from where they live to raise funds, recruit other members, or carry out terrorist attacks. Drivers and passengers that travel great distances may appear overly fatigued. Najibullah Zazi, convicted of plans to commit a suicide bombing in New York City in 2009, drove from Colorado to New York with explosives in his vehicle. Similarly, some terrorists might travel with others in their group, including in single or multiple cars or vans.

Other factors in adducing a potential terrorist during a stop include plain view of weapons or components, unusual or large quantities of specific products such as disposable cell phones, fertilizers (without an agricultural nexus), or bumper stickers with violent, extremist messages. These possible indicators may have officer safety benefits as they provide notice of a potential dangerous individual.

While a future traffic stop in the United States or elsewhere may not yield the FBI's current most wanted terrorists—the Islamic State's Abu Bakr al-Baghdadi and al Qaeda leader Ayman Zawahiri—it might undermine known or unknown terrorist or extremist operatives, who travel our highways and byways on the way to wreak havoc.

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 other 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 their investigation and impose our legal standards on them.

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

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

standard to meet. Title III wiretaps are used in criminal investigations and FISA 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 their 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.

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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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