

CONGRESSIONAL TESTIMONY

“Staying Ahead of the Islamist Terrorist Threat: Assessing Future Domestic Counterterrorism Measures”

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My name is David Inserra, and I am the Policy Analyst for Homeland Security and Cyber Policy at the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy at The Heritage Foundation. The views I express in this testimony are my own and should not be construed as representing any official position of The Heritage Foundation.

Thank you for the opportunity to appear before the committee today to address this vital subject 15 years after that fateful day in September 2001.

The best way to prevent more days like 9/11, San Bernardino, and Orlando, is to spend the days after the attack learning our lessons and preparing for what comes next—doing what we can to continue to keep this nation safe, free, and prosperous. In that respect, today’s hearing is well-timed and important. In my testimony, I would like to address: 1) the evolving nature of the domestic Islamist terrorist threat; 2) guidelines for evaluating future counterterrorism measures; and 3) the efficacy of some measures that have been proposed related to countering terrorist activities, including: the mode of

attack, the means of terrorist travel, and methods of terrorist radicalization.

Homeland security has been a particular Heritage research priority since 9/11. We produced the first major assessment of domestic security after 9/11 and co-authored, along with the Center for Strategic and International Studies (CSIS), a major study that was used to guide the reorganization of the Department of Homeland Security.¹ Over the past decade and a half, we have assembled a robust, talented, and dedicated research team. I have had the honor and privilege of working with that team and for almost five years now.

Heritage analysts have studied and written authoritatively on virtually every aspect of homeland security and homeland defense. The results of all our research are publicly available on the Heritage website at www.heritage.org. We have collaborated over the years with the homeland security research community, including RAND, CSIS, the Aspen Institute, the Center for National Policy, the Hudson Institute, the George Washington University Homeland Security Policy Institute, and the Strategic

Studies Institute and Center for Strategic Leadership at the Army War College. Heritage analysts also serve on a variety of government advisory efforts, including study committees for the National Academies, the Department of Homeland Security's Homeland Security Advisory Council, and the Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities. Our research programs are nonpartisan, dedicated to developing policy proposals that will best serve the nation.

Our views reflect not just our own research but consultation with counterterrorism professionals across the United States and around the world. In the last year, Heritage analysts have conferred with experts and officials from Somalia to India and from Australia to Germany.

I am particularly proud of The Heritage Foundation's long and substantive record of research on counterterrorism operation and combating Islamist influences. Among our most important reports were an assessment of the Administration's counterterrorism strategy in 2011; a global operational assessment of foreign fighters in 2016; and a study on combating Islamism worldwide in 2016.² This effort reflects the foundation's commitment to advancing public policies that enhance our security by thwarting terrorist travel; disrupting terrorist activities; encouraging economic growth by promoting the legitimate exchange of goods, peoples, services, and ideas among free nations; and fostering a free and open civil society—all at the same time.

What's the State of the Threat?

In the past year, Heritage has suggested Congress consider establishing another 9/11 Commission. A particular reason for that recommendation is that America no longer faces the terrorists of 9/11. Even before the attacks on Paris, San Bernardino, Brussels, Orlando, and Nice there was plenty to suggest the face of the global Islamist insurgency had come to look very different from what confronted the world over a decade ago. The list of what has changed is quite long, from ISIS getting its own state to the presence of al-Qaeda on the Internet. And now we must answer new questions—like how to handle terrorist travel in an age of refugees and foreign fighters.³

A challenge in assessing the face of modern terrorism is that it has many faces. ISIS is a case in point. Although ISIS has a global presence, it manifests itself in many different forms in different places.

In Iraq and Syria, as you well know, ISIS rules as virtually a state actor.

In parts of Western Europe, ISIS plugs into a standing, well-established extremist network which in part predates 9/11 and extends across several countries. In Belgium, for example, extremist roots go back to the 1990s when extremists helped organize material support for Groupe Islamique Armé, Algerian terrorists aiming to establish an Islamic state in Algeria. In recent years this has been supplemented by foreign fighters and extremists returning from the Middle East traveling to the region and plugging in to existing terrorist infrastructure.

Other parts of the world look very different.

In Trinidad, in the Caribbean, the ISIS cause has been adopted by local Islamist criminal cartels.

In India, small disparate groups and individuals claim to be acting in sympathy with the ISIS agenda.

In Afghanistan and Pakistan, splinter groups of the Taliban have used a declared affiliation to ISIS as means to demonstrate their independence.

In Indonesia and Malaysia, ISIS has tried to infiltrate, influence, transform, or supplant established Islamist groups with varying degrees of success.

In Australia, ISIS has tried to use foreign fighters from the country to reach back to extremist elements in Australia encourage and organize terrorist acts.

In Hong Kong, small self-radicalized groups of individuals have taken up the ISIS cause. In April 2015, for example, ISIS recruited Indonesian domestic helpers in Hong Kong

to help funnel foreign fighters into Syria/Iraq.

In parts of North Africa, established terrorist organizations have entered into formal partnership and coordination with ISIS. In places, such as Yemen and Libya, ISIS has attempted to build up its own presence.

The U.S. has a unique terrorist profile all of its own.

In part, my assessment of the threat to the U.S. is drawn from a database and timeline maintained by The Heritage Foundation that tracks known Islamist-related terrorist plots aimed at the United States since 9/11 according to publicly available records.⁴ The list does not include activities that are merely linked to terrorism (such as traveling abroad to join a terrorist organization); each plot requires some threat directed at the U.S. homeland. Additionally, the primary motivation of the terror plot or attack must be a radical Islamist ideology, which supports the use of violence as a means to achieve long-run Islamist objectives such as imposing Islamic law, i.e., sharia.

Currently, foundation analysts have identified 89 plots between October 2001 and today. That is a large enough data set for credible trend analysis on the character of the threat. One of the clearest trends is that the threat profile in the U.S. has shifted significantly in the last half-decade.

First, the frequency of plots has dramatically increased. There have been 25 successful or interrupted terrorist plots in the U.S. since the start of 2015.

Second, plots overwhelmingly are emanating from the home front. Twenty-four out of 25 involved American nationals. All involved a homegrown element.

Third, ISIS has become the most dominant influencer—by far. At least 21 out of 25 contained affiliation/support for/inspiration from ISIS.

Fourth, the threat is getting deadlier. Five out of the 11 successful Islamist-related terrorist attacks have been in the last fourteen months, resulting in the greatest loss of life from Islamist terrorism on U.S. soil since 9/11.

The trends are clear—more threats, more from inside America, more related to ISIS, more deadly. This appears to be consistent with the trends we are seeing with material support activities as well.

Beyond these trends there remains, however, an admixture of plots—different attack modes, targets, levels of sophistication, geography, histories of radicalization, and types of individuals. For example, looking at recent plots: six targeted military installations; four targeted law enforcement; one targeted a government building; ten targeted public gatherings like malls, a beach, or bars; and four targeted religious buildings or schools.

Where in previous years plots were clustered in the New York-Washington, DC corridor, they are now more dispersed nationally. Overwhelmingly, terrorists plot attacks nearby their residence. There are not identifiable patterns of terrorist hot spots. Rather than evolving terror networks, operationalizing terrorist activities is occurring by individuals or in small groups with a variety of links to extremist individuals and groups, most but not always in their communities.

The distinction between “lone wolf” and other small groups organizing attacks I find unhelpful as an organizing principle for counterterrorism operations. There are few truly lone-wolf-type actors, akin to Theodore John Kaczynski (the Unabomber), a domestic terrorist who lived and operated virtually “off-the-grid” for two decades. Most terrorist attacks, including the most recent act in Orlando, involved contact with other individuals. Where there is contact and activity, there is a potential to appropriately use legitimate law enforcement and intelligence means to uncover terrorist conspiracies.

In summary, the modern American Islamist terrorist comes from a diverse and somewhat small group. The total number of plotters totaled about 200 individuals. Recent cases of material support for terrorist activity total probably about several hundred more (though admittedly it has been difficult to develop a definitive accurate number).

The role of the Internet and social networking is difficult to fully assess. Without question, these individuals use the digital platforms like many others interested in extremist content. Terrorists use the Internet just like the rest of us. We don't see them inventing new uses; what they are doing in many cases is adapting practices pioneered in commerce,

politics, and entertainment. Terrorists use the Internet for a range of activities from fund raising, to propaganda, recruiting, intelligence gathering, surveillance, and operational planning. Like teenagers and criminals when they want to have a conversation that no one can hear, they move to encrypted technologies or the “dark” web, employing online sites, services, and databases that are not indexed by conventional web search engines and generally require special, though publically available, software to use.

But whether the Internet plays a significant or determinant role in radicalization and operationalizing terrorist intent is debatable and certainly varies from case to case.

The ambivalent role of social networks in fostering domestic terrorism reflects the trends seen in other countries. One key variable appears to be the extent of human networks on the ground where extremist social networks are prevalent. Where there is a human web to encourage, inspire and guide through the radicalization process, the impact of the Internet seems to very more powerful and influential. Where there is less of a supporting group of individuals the material appears to stimulate more interest than action.⁵

What Works in Preventing Terrorist Acts?

The Heritage Foundation database and timeline are also helpful in understanding what contributes to effectively interdicting potential terrorist attacks on the U.S. homeland. For example, in recent attacks we concluded that at least 15 out of 25 were interdicted by using “sting” type law enforcement operations to uncover terrorist conspiracies. In 19 out of 25, law enforcement investigations, including stings, were instrumental in detecting and stopping attacks.

This trend leads to the conclusion that the U.S. has become and remains a relatively harder target for transnational terrorist operations than it was before 9/11. Even with the dramatic rise of the global Islamist terrorist expansion and the proliferation of foreign fighter pipelines over the last half-decade, foundation analysts have not identified any organized ISIS-related elements traveling to the United States and organizing terrorist plots here.

Trends suggest that traditional law enforcement and intelligence counterterrorism methods, particularly where local, state, federal, and international partners

work well together and share information are the most reliable and consistent means to stop terrorist plots.

An assessment of the Heritage data is consistent with the findings of a congressionally directed assessment last year of the FBI’s performance on counterterrorism which had generally positive, albeit not wholly uncritical findings.⁶ On the other hand, where best practices and integrated effort are not achieved, as in the case of the findings of a House Homeland Security report last year on foreign fighters and terrorist travel, gaps are created.⁷

Where Do We Go from Here?

Trend analysis suggests a manner to examine the terrorist plots we face—and determine what additional measures might be taken or modified to better prepare U.S. law enforcement to preempt terrorist attacks. The question to be asked is: What does an attack like that which occurred in Orlando tell us about our understanding of the threat or the nature of countermeasures that we didn’t know before the attack? That is the right metric for determining if additional counterterrorism activities would be efficacious in addressing the dangers we are seeing.

No counterterrorism is risk free from the perspective of looking for the right combination of law enforcement and intelligence techniques where the effort is to continually seek to maximize the goals of increasing security, protecting individual freedom, and sustaining an open and prosperous society. Developing these measures requires deliberate, sober judgments—resisting the impulse to just do something.

From a countermeasure perspective, unquestionably the most effective terrorist countermeasures are those that stop the terrorists before they attack. When laymen debate counterterrorism they often fixate on the mode of attack (e.g., car bomb or a dirty bomb) and the target (e.g., a shopping mall or the Super Bowl). This rivets attention on a small percentage of terrorist activity—the part that looks different. The probability for interdicting terrorist activity is far greater by focusing on the high percentage of terrorist activity that looks the same, including terrorist travel, recruiting, planning, fund raising, logistics, operational planning, intelligence gathering, training, rehearsal, equipping, and

reconnaissance. All these preparatory steps to a terrorist attack (even by a lone wolf) are common to most of the terrorist plots seen in the U.S., although how these actual steps are taken will vary. The most effective counterterrorism and intelligence programs focus on identifying the persons associated with these activities.

With that perspective in mind, let us turn to three frequently raised proposed areas for additional countermeasures: the mode of attack, the means of terrorist travel, and the methods of terrorist radicalization.

Mode of Attack. Preventing terrorist access to weapons is often suggested as a means of reducing risk. Since the inception of the national homeland security enterprise, the guiding principle has been to adopt a risk-management approach—evaluating criticality, vulnerability, and threat to make a determination of what measures are most efficacious, efficient, and cost-effective.

Risk management is much more than just looking at vulnerably. In a free and open society of almost 320 million in a country the size of a continent, Americans face almost infinite vulnerabilities. That does not mean Americans face unlimited risk. Other factors also have to be considered. The odds of being killed in a terrorist attack have been calculated at about one in 22 million. That doesn't mean terrorism is not a threat. It is. Terrorists attack our humanity—not just humans. Terrorism is an attack on our society and must be taken seriously.

On the other hand, we don't make Americans more safe and secure by undermining their freedoms and liberty. Risk-management helps us plot the best course.

The use of weapons in terrorist attacks is a case in point. Guns, of course, are used in armed attacks (also called mass shootings). This is not a new tactic. Increasingly, since the horrific terrorist attack in Mumbai, India, in 2008 we have seen terror groups emulate versions of this tactic—most recently in the Paris terrorist attack in 2015, and in the U.S. in San Bernardino and Orlando. U.S. law enforcement should be preparing to take measures to respond to this kind of threat.⁸ But guns, just like planes, fertilizers, pressure cookers, oxygen bottles, nails, and many other instruments of everyday life are used by many Americans for all kinds of reasons. The best

approach, as with all possible modes of terrorism is take a risk-managed approach.

The key measures currently used regarding firearms involve screening using various federal databases.⁹ As the committee well knows, the Terrorism Screening Database (TSDB) is the official name for “Terrorist Watchlist” and is maintained by the FBI’s Terrorist Screening Center (TSC). The TSDB is the U.S.’s central repository of foreign and domestic known and suspected terrorists. It receives names of international terrorists from the Terrorist Identities Datamart Environment (TIDE), which is maintained by the National Counterterrorism Center (NCTC) in connection with the U.S. intelligence community and security agencies that have information on terrorists. It also receives data on domestic terrorists from the FBI.

To get on the TSDB, U.S. officials nominate an individual whom they have “reasonable suspicion” of being engaged in or aiding terrorist activities. There must also be a sufficient level of identifying information to include an individual on the list. The TSDB only includes information used to identify terrorists. The TSDB itself does not include classified information on terrorists regarding what they have done and how we have been tracking them. This classified information is maintained in the TIDE for foreign terrorists and the FBI for domestic terrorists.

From the TSDB, more specific lists are created for different purposes. For example the No Fly and Selectee lists are used to prevent individuals from travelling or for subjecting them to greater scrutiny. To be included on the No Fly or Selectee List additional evidence of their threat to aviation security and clear identifying information is needed above and beyond the reasonable suspicion standard.

Another list extracted from the TSDB is the Known and Appropriately Suspected, or KST, file. To be included on the KST file, clear identifying information is needed. The KST is queried by the National Instant Criminal Background Check System (NICS) that is used to check firearms purchases. Inclusion on the KST does not itself prevent a gun purchase, but flags the purchase for further review. The purchase is allowed so long as the individual is not a felon, mentally ill, a fugitive from justice, an illegal immigrant, or prohibited from making gun purchases for another statutory reason.

If the system can be strengthened, it might well be better to focus on the person, rather than guns. Agencies might review the process of how they assess information, make determinations, and share data (such as investigative officials if an individual on the KST file applies to purchase a firearm). Such efforts might not deliver the satisfaction of congressional Members being able to declare “ I voted to keep guns out of the hands of terrorists,” but it might add real value to the current system more effectively than trying to craft a ban not prone to abuse or legal challenges.

In addition, mass shootings in busy areas will always be a threat given America’s free society. A responsible measure would be to expand active shooter threat training across the country. Since state and local law enforcement officers will be the first to respond, training for active shooter events should be expanded through existing programs such as the Active Shooter Threat Training program and corresponding instructor training program.

Beyond that measure, ensuring the FBI more readily and regularly shares information with state and local law enforcement, treating state and local partners as critical actors in the fight against terrorism, remains vitally important. State, local, and private-sector partners must send and receive timely information from the FBI. Despite the lessons of 9/11 and other terrorist plots, the culture of the FBI continues to resist sharing information with state and local law enforcement.

Means of Terrorist Travel. General bans on international travel are also frequently suggested in the wake of terrorist attacks, whether or not an element of international travel was involved. While it makes perfect sense to develop policies, procedures, and tools to prevent terrorists from exploiting legal authorities for international travel, general bans on specific populations as a tool to prevent terrorist travel have not proven effective.

Studies of terrorist travel since 9/11 demonstrate that terrorists have sought to exploit every means of international travel, legal and illegal.¹⁰ In addition, since known and suspected terrorists travel in such small numbers it is difficult, if not impossible, to identify a specific group to exclude from international travel that makes sense as a tool of effective counterterrorism.

Again, the best measures would focus on the individuals rather than classes of people. This is one of the potential advantages, for instance, of the Visa Waiver Program (VWP), which provides more relevant information on business and tourist travels than the visa process over larger numbers of travel, far more efficiently. VWP, if implemented correctly, can be a very effective tool for identifying prospective security risks, including known and suspected terrorists. The Visa Waiver Program provides a cost-effective and efficient means to capture more useful data on travelers in real time. The Administration should be a much stronger and effective steward of the program, ensuring that the information sharing provisions are rigorously enforced.¹¹

Rather than look at new restrictions, the Administration and Congress might look to how it could practically move more countries under the VWP regime. In addition, Congress and the Administration must redouble their efforts to ensure the program is properly run and punish countries that are not complying.

From a larger perspective, integrating combatting terrorist travel within the larger context of the national counterterrorism effort is vital. The U.S. must maintain essential counterterrorism tools. Support for important investigative tools is essential to maintaining the security of the U.S. and combating terrorist threats. Legitimate government surveillance programs are also a vital component of U.S. national security and should be allowed to continue. The need for effective counterterrorism operations, however, does not relieve the government of its obligation to follow the law and respect individual privacy and liberty.

Methods of Terrorist Radicalization. One of the responses to the Orlando shooting has been a call to ramp up Countering Violent Extremism programs (CVE). While such programs are correct to focus on preventing terrorism, they face significant challenges. U.S. The size of the radicalized population in the United States attempting terrorist attacks is small. Individuals radicalize for different, often complex reasons. Law enforcement is generally better off targeting suspected individuals with traditional counterterrorism and law enforcement methods.

That said, the U.S. should not reject counter-radicalization programs out of hand. Programs

would have to be narrowly targeted, clearly defined, with clear goals and metrics of effectiveness and responsible oversight. Such efforts only warrant the attention of counterterrorism officials if the threat is a clear national security priority. Generic CVE programs make no sense. Islamist terrorism is the only form of terrorist threat today that rises to the level of a national security threat. Any program, if truly needed, should be limited to Islamist-related terrorist activity and focused on diminishing the threat of terrorist activity as defined by statute (as opposed to any other form of public activity or expression). Such programs should be focused to deal with particular threats as opposed to a general information campaign with appropriate review and sunset provisions to ensure the programs are used only as long as they effectively support law enforcement activity and are needed.¹²

More important efforts are community outreach programs as they remain a vital tool in helping communities deal with radicalizing individuals.. The U.S. should facilitate strong community outreach that empowers community policing and intelligence-

led policing practices. Such capabilities are key to building trust in local communities, especially in high-risk areas.

Next Steps

In light of the ongoing terrorist threat, the most important for this committee and Congress to remember is that just doing something won't make America safer. Doing the right thing will. That means improving and expanding information sharing arrangements with partners around the world as well as between local law enforcement and the federal government. Whenever Congress is considering counterterrorism policies , it must makes sure that the steps it takes improve our ability to detect, investigate, and stop terrorism before it strikes. And that is the best way to stay one step ahead of the enemy.

Thank you for the opportunity to speak today on this important issue. I look forward to your questions.

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