

**He Honorable Michael E. Leiter
Director, National Counterterrorism Center (2007-2011)**



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Assessing Attacks on the Homeland: From Fort Hood to Boston
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Overview

Chairman McCaul, Ranking Member Thompson, and Members of the Committee, thank you for inviting me to testify concerning past terror plots against the homeland. Although the membership on this Committee has changed over the years, this body has always been at the forefront of understanding threats and shaping our government's response to them. On behalf of those who continue to serve in homeland security and intelligence organizations, I want to thank the Committee for its continuing oversight and support.

For the men and women of the U.S. counterterrorism community, there is no priority higher than detecting, disrupting, and—if all else fails—minimizing the effects of a terrorist attack in the Homeland. Since 2001, our record obviously isn't perfect, but it is in my view truly impressive. Today I will offer my views on what has gone well and also what we can learn from the near misses—and tragic terrorist successes—over the past twelve years.

The Successes

Before reflecting on five instances where our defenses weren't perfect, I must begin with the successes—because they are in truth far more prevalent than their more tragic counterparts. One cannot judge the extent of our success merely by considering casualties, but it is at least a starting point.

In my view it is nothing short of remarkable that since the tragedy of 9/11, eighteen people have been killed in the United States by al Qaeda inspired terrorists: thirteen at Ft. Hood, one in Little Rock, Arkansas, and most recently four in Boston. Again, all of these deaths as well as those who were injured are tragic tales of loss to families and friends. Moreover, these attacks result in emotional and psychological scars for Americans far from the sites.

As just noted, however, I firmly believe this relatively small toll is not just noteworthy but almost astounding. Yes it is 18 too many, but had I polled this Committee's predecessors on September 12, 2001, as to what the toll of al Qaeda might be over the subsequent 12 years, I am confident that the answers would have been in the hundreds, thousands, or perhaps even tens of thousands. The reason this has not been the case is not because al Qaeda and its adherents have capitulated. Rather, it is solely because of counterterrorism offensive and defensive successes in the Homeland and around the world.

The roots of these successes come in many forms. Key amongst them:

- Offensive strikes overseas that have disrupted al Qa'ida's leadership in Pakistan and Yemen.
- Excellent human and technical intelligence—collected both unilaterally and in cooperation with our allies—to penetrate terrorist networks and disrupt plots.
- Improved screening of travelers and cargo traveling to the United States.
- Vastly accelerated and improved information sharing amongst organizations like the CIA, NSA, FBI, DHS, DOD, and National Counterterrorism Center (NCTC).
- Improved domestic counterterrorism intelligence and investigations, led by the FBI but supported by DHS and state and local authorities.
- First responder and community preparation to respond to attacks and mitigate their seriousness.
- Community engagement to reduce the attraction of al Qa'ida's message in the Muslim community.

The concrete result of this work is a long list of disrupted plots that must be remembered: the 2011 arrest of Khalid Ali-M Aldawsari in Texas as he plotted to attack power plants, military targets, and others; the 2010 attempt to take down two U.S. cargo planes with bombs made in Yemen; Najibullah Zazi's 2009 attempt to attack the New York City subway; the 2008 arrest of Bryant Neal Vinas who homeland attacks with al Qa'ida in Pakistan; a 2007 plot to attack soldiers at Ft. Dix, New Jersey; and the 2006 Operation Overt that disrupted a plot to bomb numerous transatlantic airliners.

Of course, these are but a sample of the much larger set of disrupted plots that have kept the American people and our allies far safer than they otherwise would have been. Regrettably, our defenses are not—nor can they ever be—perfect. And in this regard, the successful attacks and the nearer misses can illuminate how our efforts can be improved.

Learning from Other Plots

At the Committee's request, I will now address five plots that ended with less success than any counterterrorism professional or the public hoped. Specifically, the 2009 murder of an Army recruiter in Little Rock, Arkansas; the murder of thirteen in Ft. Hood, Texas that same year; the failed plot to down Northwest Airlines Flight 253 on Christmas Day 2009; the attempted car bomb in Times Square in 2010; and finally the recent tragic events surrounding the Boston Marathon that left four dead.

To begin, all of these certainly represent instances where we could have done much better. But it must be stressed—and I say this as an apolitical national security professional—we must accept that counterterrorism perfection is impossible. This is not to make excuses, and I take personal responsibility for my own contributions to instances where we didn't stop an attack before it happened, but rather to set realistic expectations so that we don't have partisan witch hunts after the fact.

In my view what the Congress and American people should expect is that their Government will continue to reduce the likelihood of a catastrophic attack. By this I mean that major

attacks like 9/11 should be extremely unlikely to occur thanks to our defenses, and even smaller-scale attacks like Boston will often—but not always—be thwarted. Moreover, whatever attacks do get through the gravity of the results should be mitigated by effective pre- and post-attack measures. This last point is critical, for the counterterrorism system has purposeful overlapping defenses because we know that no single countermeasure will always prove successful.

In several of the cases raised by the Committee, systematic defenses have been the backstop after we failed to identify specific plots or operatives before the fact. For example, in the case of Times Square the bomber was aware of FBI tripwire programs that resulted in his buying the wrong type of fertilizer to make an effective bomb. Similarly, in the case of the Christmas Day bomber, passenger screening led al Qa'ida to use a less effective detonator than they otherwise might thus providing passengers and crew critical moments to disrupt the attack. Thus, although both of these attacks were far closer than we would have liked, the full panoply of defenses were critical in saving lives.

All of this being said, I believe there are several critical lessons to be learned from these five plots.

Recognizing radicalization remains critical. Through excellent analytic work in the Intelligence Community, we understand the radicalization process better today than ever before. Nonetheless as several of the cases illustrate, there is no radicalization formula nor has our understanding migrated fully to those operators who are on the frontlines. The FBI has improved training to agents and analysts, but we should ensure that all interagency, state, and local members of the Joint Terrorism Task Forces have high quality training on radicalization using the full resources of the U.S. Government, to include the NCTC. Without such training, we run a serious risk of agents or analysts not recognizing particularly troubling signs of radicalization that might warrant further investigation. This training should also be reviewed by outside experts to ensure that it is not providing misguided information or views that could lead to the inappropriate targeting of individuals.

Although there were a wide-variety of factors in the case of Ft. Hood (which were thoroughly documented in reports authored by former FBI Director Judge William Webster and the Senate Homeland Security and Government Affairs Committee), I believe the issue of recognizing radicalization was a factor. Without trying to isolate the failure to a single cause, had certain agents and analysts appreciated some telltale signs of radicalization it is at least more possible that more aggressive investigative steps would have been taken.

Al Qa'ida-inspired Internet voices are here to stay. The radicalizing influence of al Qa'ida aligned Internet voices continue to be a significant factor in homegrown terror plots. The FBI, DHS, NCTC, and others have done much to keep up with what has been a trend since at least 2004. But the rapidly changing nature of technology, the ease with which plotters can adopt new methods of communicating, and a massive volume of data all make keeping up with homegrown extremists difficult.

The Boston Bombing investigation will, I hope, lead to greater consideration of how social media might help identify especially worrisome suspects. As has been widely reported, Tamerlan Tsarnaev posted videos on a YouTube channel in his true name—but of importance this occurred *after* the FBI threat assessment had already been closed. Although I do not believe there was anything remotely like a “smoking gun” in these videos, there may have been materials that indicated radical tendencies. Combined with information from Russian officials, it is at least possible that this would have interested investigators. But again, given that this open source material was only available after the Bureau closed its investigation, it is open to question if the FBI would have had any reason (or, potentially, authority) to monitor his Internet activity.

The shift from radicalization to mobilization remains a significant challenge. For homegrown terrorism, identifying individuals who are sympathetic to al Qa’ida’s views is challenging but feasible. More difficult, however, is predicting which of those who have been radicalized will actually mobilize and pursue violence. Moreover, detecting mobilization poses significant legal, policy, and practical challenges. Specifically, there is limited legal justification for disrupting individuals who have not yet moved to plotting. And it is impossible—and of questionable wisdom—to maintain surveillance of every individual that falls into this category.

The case of Carlos Bledsoe, the Little Rock, Arkansas shooter, is instructive in this regard. In Bledsoe’s case, there were clear indicators of his at least suspicious activity in Yemen and potential radical leadings. Bledsoe did not, however, rise to the level of requiring constant surveillance because it was not clear that he was pursuing violence upon his return to the United States. Without such constant—and resource-intensive—surveillance Bledsoe was tragically able to target an Army recruiting center.

Information sharing within the U.S. Government must be maintained. Information sharing has been a mantra since 9/11, but the challenges we face today are not always the same as what we faced twelve years ago. That being said, pressures to roll back information sharing are ever-present and should be resisted while still adequately protecting civil liberties and privacy. As a general matter, sharing within the Executive Branch is good, although the sharing of more raw, less-processed data with organizations like NCTC is important to finding previously unknown connections. In addition, ensuring that relevant but not counterterrorism-specific information (*e.g.*, travel data) within the counterterrorism community must be maintained.

The case of Ft. Hood represents an obvious low point in information sharing but in my view much has been done to address some of the core weaknesses. More specifically, in that case we saw a serious breakdown in sharing between FBI and the Department of Defense, as well as sharing—due to legal and policy limitations—of certain Foreign Intelligence Surveillance Act (FISA)-obtained material with the NCTC. Both of these failings have since been addressed.

FBI-led Joint Terrorism Task Forces (JTTF) are necessary and effective, but not sufficient. In most cases, FBI-led JTTFs have performed exceedingly well. The JTTFs help ensure that all

U.S. Government and relevant state and local investigative resources are leveraged in a focused manner. But the nature of JTTFs (using all of the U.S. Government's resources to include classified information from the Intelligence Community) means that information is not automatically shared *outside* the Task Force—although any federal or local personnel detailed to the Task Force can seek supervisor permission to share information with non-federal partners. This limitation means that state and local officials cannot always play as full a role in counterterrorism efforts as we might want.

Many would point to state and local fusion centers as the solution to this challenge, but this mistakes the role that these centers generally play. Fusion centers are critical for sharing general threat information, as well as fusing information from state and local authorities, but the centers do not serve as a locus for *investigative* information sharing. And it is this area where we continue to bear risk. In my view there would be serious value in ensuring the fusion centers, working with JTTFs as well as FBI Field Intelligence Groups (FIGs), serve a prominent role in combing through investigative information that the FBI and JTTFs cannot or will not pursue.

The Boston Bombing is the most recent example of this challenge. It has been reported that the Boston and Cambridge Police Departments (as opposed to some officers from those departments on the JTTF) were unaware of reports of Tamerlan Tsarnaev's radicalization. This makes sense, as the report from Russian authorities would have been classified and thus at least initially confined to the JTTF. And once the FBI's threat assessment of Tsarnaev was legitimately closed, there would be even less reason—and possible policy prohibitions against—sharing the information with state and local authorities.

It is not the case, however, that state and local authorities are blind to many cases similar to Tsarnaev. In fact, the vast majority of unclassified Guardian leads (the type of lead in the Tsarnaev case) are already available to state and local authorities through Law Enforcement Online (LEO) and eGuardian. Thus we should ensure that fusion centers, local authorities, DHS, and FBI are working together to allocate effectively scarce resources to maximize our coverage of cases that do not rise levels of apparent seriousness that will guarantee intensive JTTF focus. And the advantage to doing so is that state and local organizations operate with very different—and in some cases broader—authorities than their federal counterparts.

Congress has an important role to play in such an arrangement by ensuring that law, policy, and resources enable rather than impede such information sharing. The advantage is obvious: although the FBI cannot and should not maintain investigations of individuals who have been cleared of wrongdoing, local officials have very different legal authorities and resources and might—in certain cases—be better positioned to continue coverage of individuals like Tsarnaev based on their well-established police powers. With appropriate oversight, fusion centers and their federal counterparts can ensure the allocation of scarce operational resources are used as effectively as possible.

I would be remiss, however, if I did not flag some of the obstacles to this approach. Specifically, passing lead information to local authorities after an FBI investigation has

been closed has real privacy and civil liberties consequences—and again may in some cases be in tension with the Privacy Act and other federal statutes. In addition, the desire to share information more broadly must always confront the risk to intelligence sources and methods—an especially challenging case like that of Tsarneav where information is from a foreign intelligence partner. Finally, in some cases even if information is passed local authorities will be ill-equipped to take meaningful action, thus also raising further privacy and civil liberty concerns.

Conclusion

We have had more than our share of successes in combatting terrorism—especially in the United States—over the past twelve years. That being said, we have not always been as successful as we would all hope for. We should continue to push for evolutionary change to our counterterrorism efforts. This requires truly cooperative work between the Executive and Legislative Branches, as well as rigorous oversight from all three branches to ensure public faith and trust. Combatting terrorism in the Homeland is challenging and simultaneously must be done meticulously as to not violate the Constitutional protections we all hold dear. I very much hope my reflections can play a small role in assisting this Committee in achieving our common goals.