Ordinary Measures, Extraordinary Results: An Assessment of Foiled Plots Since 9/11

Germain Difo May 2010

Executive Summary

series of recent reports has identified several terrorist plots that have been "foiled" since 9/11.¹ The reports highlight these cases as evidence that post-9/11 counterterrorism measures have been instrumental in protecting the United States against the threat of terrorism. These measures include using the recently renewed USA PATRIOT Act and amendments to the Foreign Intelligence Surveillance Act (FISA), pursuing the ongoing war in Afghanistan, and detaining terror suspects in the U.S. military facility at Guantánamo Bay. Commentators have also suggested that waterboarding and other torture methods used against terrorism suspects in U.S. custody are necessary and effective counterterrorism tools that have been critical in thwarting attacks and keeping Americans safe.² These individuals recommend that

2 Marc A. Thiessen, "The CIA's Questioning Worked," Washington Post, April 21, 2009. http://www.washingtonpost.com/wp-dyn/content/article/2009/04/20/AR2009042002818.html (accessed March 8, 2010); Marc Thiessen, "The Post and Abu Zubaydah," National Review Online, March 29, 2009. http://corner.nationalreview.com/post/?q=ZTEzMjc3YWU3Zm JiNzA3NThhNjdiMmY4MDkzNjRlMDY (accessed March 8, 2010); James Gordon Meek, "U.S. Officials Slam Dick Cheney's Claim That Waterboarding 9/11 Mastermind 183 Times Was A 'Success," New York Daily News, April 22, 2009. http://www.nydailynews.com/news/national/2009/04/22/2009-04-22_dick_cheney_full_of_crap_official.html (accessed March 8, 2010).

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¹ Jena Baker McNeill and James Jay Carafano, "Terrorist Watch: 23 Plots Foiled Since 9/11," The Heritage Foundation, July 2, 2009. http://www.heritage.org/Research/HomelandSecurity/upload/bg_2294-3.pdf (accessed December 1, 2009); Jena Baker McNeill, "26 Foiled Terror Plots Show Success of Information Sharing," September 29, 2009. http://www.heritage.org/Research/HomelandSecurity/wm2634.cfm; Jena Baker McNeill and Jessica Zuckerman, "Another Terror Plot Foiled: 27 Since 9/11," The Heritage Foundation, October 21, 2009. http://www.heritage.org/Research/HomelandSecurity/wm2663a.cfm; Jena Baker McNeill, "Detroit Terror Plot Makes 28 Plots Foiled Since 9/11," The Heritage Foundation, December 26, 2009. http://www.heritage.org/Research/homelandsecurity/wm2741.cfm.

2 Marc A. Thiessen, "The CIA's Ouestioning Worked," Washington Post, April 21, 2009. http://

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several of these measures and methods be institutionalized and expanded to protect American national security.

This report analyzes 32 attacks that were thwarted since 9/11 to determine which factors led to the plots' successful disruption. The report finds that in the majority of cases, traditional law enforcement techniques and methods developed prior to 9/11, direct and indirect action by concerned citizens, and international law enforcement cooperation contributed significantly to identifying terrorists and preventing attacks. It also finds that post-9/11 legislation and methods were instrumental in disrupting terror plots in only a relatively small number of cases.

Drawing on these findings, the report concludes that continuing to protect America against terrorist attacks requires that we:

- 1) Recognize the importance of developing multi-layered strategies and resist overemphasizing individual counterterrorism methods or policies;
- 2) Continue to support local law enforcement in their efforts to develop community-derived intelligence and informants;
- 3) Establish a bipartisan Congressional panel to reassess the extent to which post-9/11 counterterrorism measures and policies have in fact been successful; and
- 4) Maintain vigilance at all levels of society and government without succumbing to fear.

Key Findings

There is no silver bullet for thwarting terrorist attacks. Few of the terror plots thwarted after 9/11 were disrupted using a single, clearly identifiable method. Many of the plots were discovered through a combination of happenstance, allowing authorities to take advantage of what were, in essence, lucky breaks; diligent police work; foreign law enforcement cooperation; civilian-provided intelligence; and other means, none of which can be clearly identified as having been the most critical to thwarting an attack. Since it is difficult to determine objectively what has prevented terrorist attacks since 9/11, attempts to state definitively which piece of information or counterterrorism measure led to the disruption of a given terrorist network or plot must be treated with a degree of skepticism.

Post-9/11 counterterrorism measures—including the PATRIOT Act and amended FISA surveillance provisions, unlawful combatant designations, indefinite detentions, and the use of torture techniques—have been instrumental in thwarting attacks in only a small number of cases. There has been considerable speculation that post-9/11 counterterrorism provisions have been instrumental in preventing many or all of the terrorist attacks thwarted since 9/11.³ This report finds,

³ Jena Baker McNeill, "Patriot Act: A Chance to Commit to National Security," The Heritage Foundation, October 9, 2009. http://www.heritage.org/research/homelandsecurity/wm2648.cfm (accessed March 5, 2010); Cristina Corbin, "Patriot Act Likely Helped Thwart NYC Terror Plot, Security Experts Say," Fox News, May 21, 2009. http://www.foxnews.com/politics/2009/05/21/patriot-act-likely-helped-thwart-nyc-terror-plot-

however, that the law enforcement techniques, detention and interrogation procedures, and legislative measures adopted after 9/11 demonstrably contributed to thwarting attacks in only five cases, or less than one-sixth of the total number of foiled attacks. The fact that intelligence and law enforcement officials often closely guard specific details of counterterrorism investigations makes it impossible to definitively claim that the use of techniques and legal provisions enacted after 9/11 has not contributed significantly to a larger number of post-9/11 counterterrorism successes. It is also critical to note, however, that there has been little clear evidence demonstrating that they have. In March 2009, for example FBI director Robert Mueller stated that roving wiretaps had been obtained 147 times after 9/11.4 However, authorities identified roving wiretaps as having been used to disrupt only one terrorist plot.

Counterterrorism investigations leading to thwarted attacks have drawn heavily on traditional law enforcement techniques. A plurality of the post-9/11 terrorist plots were disrupted using traditional law enforcement techniques—specifically physical surveillance, undercover agents, and confidential informants—to obtain information on terror suspects and their attack plans. Though in some cases these techniques have been modified to take into account new developments in communication technology (e.g., monitoring internet chat rooms and jihadist websites), the techniques employed in the majority of thwarted attacks have been in keeping with those used in criminal investigations before 9/11.

Citizens' vigilance and luck have played a fairly significant role in thwarting attacks. In approximately 21% of the cases examined, civilians' proactive involvement (either through direct action or provision of intelligence) and simple happenstance that worked to the authorities' advantage were significant factors in plots being discovered or disrupted. This does not suggest that direct or indirect civilian action can or should be relied upon as a means of thwarting attacks. Nor does it imply that successful counterterrorism is primarily a matter of luck. It does, however, underscore the complex range of factors and circumstances that contribute to preventing attacks and the danger inherent in uncritically reducing counterterrorism successes to an explicit validation of any one policy or tool.

International cooperation remains vital. In several cases foreign intelligence and law enforcement cooperation—including the provision of intelligence and making arrests—was instrumental in dismantling terror plots. Though this is hardly a new phenomenon, Umar Farouk Abdumutallab's use of international transfer points to reach his final attack site highlights the increasing importance of international cooperation when terrorist conspirators live, plan, and operate in multiple international jurisdictions where the United States might have a limited presence or reach. Cooperation has also become especially important in light of the fact that terrorists increasingly conspire to attack targets

security-experts-say/ (accessed March 5, 2010); Deroy Murdock, "Patriot and You," National Review Online, October 4, 2004. http://old.nationalreview.com/murdock/murdock200410041253.asp (accessed March 5, 2010).

⁴ Carrie Johnson, "Director of FBI Urges Renewal of Patriot Act," Washington Post, March 26, 2009.

in the United States and abroad simultaneously, as with the attempted liquid explosives attack and Dhiren Barot's multiple international plots. This trend underscores the importance of making real-time communication and deconfliction of national and agency priorities paramount.

How Post-9/11 Plots were Uncovered and Disrupted: Overview

For the majority of cases, it is difficult to identify any one counterterrorism measure or action that identified plotters or disrupted attacks. It is helpful, however, to highlight factors or groups of factors that appear to have significantly contributed to a given plot's disruption. It is important to note that the many of the cases and investigations cited in the following section were comprised of a number of overlapping elements. Many of them, therefore, fall under multiple categories.

Direct Civilian Intervention (2)

Richard Reid

Umar Farouk Abdulmutallab

Two attempted terrorist plots were foiled through direct civilian action to stop attacks already in progress. In both of these cases defensive counterterrorism measures, namely airport security procedures and terrorism watchlists, failed to discover the would-be terrorists in advance.

Civilian-Provided Intelligence (5)

Lackawanna Six

Fort Dix Plot

James Elshafay and Shahawar Matin Siraj

Michael Reynolds

Portland Seven

In five cases, the investigations that ultimately prevented attacks were opened based on information provided by concerned citizens who observed would-be terrorists engaging in suspicious behavior and alerted the authorities.

Direct Action from Foreign Partners (5)

Khalid Sheikh Mohammed

Dhiren Barot

Liquid Explosives Plot

Mohammed Jabarah

Assem Hammoud

Though cooperation with foreign intelligence and law enforcement officials was instrumental in thwarting several terror plots since 9/11, five of those cases merit special mention for the direct and active role that international counterterrorism partners played in the disruption process. Authorities in

Oman, Canada, Lebanon, Great Britain, and Pakistan arrested terror suspects operating abroad, and in some cases transferred detainees into U.S. custody.

Use of PATRIOT Act and Amended FISA Provisions (3)

Lackawanna Six

Najibullah Zazi, et al.

Portland Seven

In three of the cases, law enforcement authorities used provisions of the PATRIOT Act and FISA amendments—including those authorizing roving wiretaps, delayed notification searches, inter-agency information sharing, and monitoring of electronic communications and financial transactions—to investigate terror cells. In each case, law enforcement authorities employed these tools to gather evidence and identify other conspirators after terrorism investigations were already under way.

Information From Captured Terror Suspects (3)

Jose Padilla

Iyman Faris

Nuradin Abdi

In three cases, potential attacks were identified using information obtained from terrorist suspects already in custody. In the Jose Padilla and Iyman Faris cases, the detainees who provided the information leading to arrests were being held as unlawful enemy combatants in the U.S. military facility at Guantánamo Bay, Cuba without access to civilian courts. The information that led authorities to Iyman Faris, whom Khalid Sheikh Mohammed identified, was obtained after interrogators subjected Mohammed to torture techniques, including sleep deprivation and waterboarding.⁵ Nuradin Abdi was arrested after Faris, who became an FBI informant following his 2003 arrest, identified him as a coconspirator in a bombing plot that the two men had planned in 2002.⁶

Discovery Through Association (4)

Syed Haris Ahmed and Ehsanul Islam Sadequee

Hassan Abujihaad

Tarek Mehanna

Yassin Aref and Mohammad Hossain

⁵ Thomas Joscelyn, "The 'Most Prolific' Detainee," *The Weekly Standard*, September 7, 2009. http://www.weeklystandard.com/Content/Public/Articles/000/000/016/883kzmtj.asp (accessed March 4, 2010); Scott Shane, "Waterboarding Used 266 Times on 2 Suspects," *New York Times*, April 19, 2009. http://www.nytimes.com/2009/04/20/world/20detain.html (accessed March 5, 2010); Peter Finn and Joby Warrick, "Detainee's Harsh Treatment Foiled No Plots," *Washington Post*, March 29, 2000. http://www.washingtonpost.com/wp-dyn/content/article/2009/03/28/AR2009032802066.html (accessed March 4, 2010).
6 Pierre Thomas, "Shopping Mall Plotter Pleads Guilty," July 31, 2007, ABC News, http://abcnews.go.com/TheLaw/story?id=3433297&page=1 (accessed April 29, 2010).

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In four of the thwarted attacks, authorities discovered would-be terrorists through their connections with other individuals or groups already under investigation. Some of those associations were discovered when would-be terrorists made direct contact with other terror suspects, and others were discovered incident to searches of property or premises that revealed a connection confirmed through subsequent investigation.

Use of Undercover Agents, Confidential Informants, and Physical Surveillance (13) Mohammed Zaki Amawi, et al.

L.A. Terror Plot

James Elshafay and Shahawar Matin Siraj

Michael Reynolds

Fort Dix Plot

Yassin Aref and Mohammad Hossain

Hosam Smadi

Michael Finton

Liberty City Seven

Assem Hammoud

Portland Seven

Derrick Shareef

Umer Hayat and Hamid Hayat

In a significant number of the cases examined, authorities employed traditional law enforcement methods, including physical surveillance and use of undercover agents and confidential informants, to disrupt terror plots. In the majority of these cases (8), traditional methods were employed to glean additional evidence and build a criminal case after terrorist conspirators had already been discovered through other means. In others, however, judicious use of these techniques and capabilities helped to identify would-be terrorists initially.

Foreign-Directed Intelligence (2)

JFK Terror Plot

Khalid Sheikh Mohammed

In two cases, investigations rested heavily on the strength of intelligence that the CIA gathered from abroad. Though U.S. authorities employed overseas intelligence capabilities in investigating a number of thwarted terror plots, the JFK Terror Plot and Khalid Sheikh Mohammed cases are highlighted because of the clearly identifiable and publicly discussed role of foreign-directed intelligence in identifying and tracking the conspirators.

Arrests on Other Charges (2)

L.A. Terror Plot

Michael Finton

In two cases, police discovered conspirators during investigations into other crimes unrelated to terrorism. The L.A. plotters and Michael Finton were discovered after their arrests in connection with a string of robberies and a parole violation, respectively.

Disputed Cases (2)

Jose Padilla

Library Tower Plot

In two cases, exactly how and when attacks were disrupted is a matter of significant official and public debate. Specifically, in both the Jose Padilla and Library Tower Plot cases it is disputed whether the information that helped stop the attacks was gleaned through the use of torture techniques. Without additional evidence, it is impossible to definitively state what factors led to plots being disrupted in either of these cases.

It is undisputed that CIA personnel waterboarded Abu Zubaydah, who provided authorities with information leading to Jose Padilla's arrest. There has been considerable public and official disagreement, however, as to whether Zubaydah identified Padilla before or after being subjected to torture.⁷

Similarly, though it is widely accepted that torture compelled Khalid Sheikh Mohammed to verify the Library Tower Plot's existence and provide information about the Jemaah Islamiah leader with whom he planned the attack, it is disputed whether the plot had already been effectively disrupted in 2002, before Mohammed was arrested and interrogated.⁸

7 Peter Finn and Joby Warrick, "Internal Rifts on Road to Torment: Interviews Offer More Nuanced Look at Roles of CIA Contractors, Concerns of Officials During Interrogations," *Washington Post*, July 19, 2009; David Alexander, "CIA Briefed 68 Lawmakers on Interrogation Program," Reuters, February 23, 2010. http://www.reuters.com/article/idUSTRE61N0WE20100224 (accessed March 23, 2010); Marc Thiessen, "New Documents Show the CIA, Not the FBI, Got Zubadayh to 'Cough Up' Jose Padilla," National Review Online, October 31, 2009. http://corner.nationalreview.com/post/?q=OGJiYWMwMGYwNmRmOGU0NjY3NzZhYWUyNzhh MjZhOTA= (accessed March 24, 2010); Ali Soufan, "My Tortured Decision," *New York Times*, April 22, 2009. http://www.nytimes.com/2009/04/23/opinion/23soufan.html (accessed March 23, 2010); Dan Eggen and Walter Pincus, "FBI, CIA Debate Significance of Terror Suspect," *Washington Post*, December 18, 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/12/17/AR2007121702151.html (accessed March 23, 2010).

8 Terrence P. Jeffrey, "CIA Confirms: Waterboarding 9/11 Mastermind Led to Info that Aborted 9/11-Style Attack on Los Angeles," CNSNews.com, April 21, 2009. http://www.cnsnews.com/public/content/article. aspx?RsrcID=46949 (accessed March 23, 2010); George W. Bush, "President Discusses Progress in War on Terror to National Guard," Washington, DC, February 9, 2006. http://georgewbush-whitehouse.archives.

Unclear Origin of Investigation (5)

Mohammed Jabarah

Virginia Jihad Network

Christopher Paul

Liberty City Seven

Liquid Explosives Plot

In five cases, despite relatively clear evidence detailing how terror plots were eventually disrupted, it was unclear how the investigations into those plots, and the individuals who developed them, began.

Foiled Plots: Discovery Methods and Case Dispositions

Plot	How Plot was Thwarted	Case Disposition
Richard Reid (2001)	Direct civilian intervention	Guilty plea (Life sentence)
Library Tower Plot (2002)	Disputed*	Conspirators and Case/ Custody Status not publicly identified
Jose Padilla (2002)	Info from captured terror suspect Disputed*	Convicted in Federal Court (17 years, 4 months)
Lackawanna Six (2002)	Civilian-provided intelligence PATRIOT Act provisions	Guilty pleas (6: Sentences ranging from 7 to 10 years)
Mohammed Jabarah (2002)	Foreign direct action	Convicted in Federal Court (Life sentence)
Portland Seven (2002-2003)	Civilian-provided intelligence PATRIOT Act provisions Undercovers and/or informants	Guilty pleas (6: Sentences ranging from 3 to 18 years) Killed by Pakistani Forces (1)

gov/news/releases/2006/02/20060209-2.html (accessed March 23, 2010); Marc Thiessen, "Declassified Documents This Week Confirm Library Tower Plot," National Review Online, February 25, 2010. http://corner.nationalreview.com/post/?q=YjMxY2U3ZGZhMjk1ZTA0ODhkYzUxOTEyZGY1MDZhYjU= (accessed March 23, 2010); Josh Meyer and Warren Vieth, "Scope of Plots Bush Says Were Foiled is Questioned," *Los Angeles Times*, October 8, 2005. http://articles.latimes.com/2005/oct/08/nation/na-terror8 (accessed March 23, 2010); Timothy Noah, "Water-Bored: Al-Qaida's plot to bomb the Library Tower was not worth torturing anyone over," *Slate*, April 21, 2009. http://www.slate.com/id/2216601/ (accessed March 23, 2010).

^{*} Whether Abu Zubaydah provided information leading to Jose Padilla's arrest before or after being subjected to torture and whether information that Khalid Sheikh Mohammed provided under torture disrupted the Library Tower Plot are matters of significant official and public debate. As resolving these debates is outside the scope of this report, these cases have been marked "disputed."

Plot	How Plot was Thwarted	Case Disposition
Khalid Sheikh Mohammed (2003)	Foreign direct action Foreign-directed intelligence	Case pending
Virginia Jihad Network (2003)	Unclear	Guilty pleas (6: Sentences ranging from 4 to 20 years) Convictions (5: Sentences ranging from 8 years to life)
Iyman Faris (2003)	Info from captured terror suspect	Guilty plea (20 years)
Nuradin Abdi	Info from captured terror suspect	Guilty plea (10 years)
Dhiren Barot (2004)	Foreign direct action	Guilty pleas (8: Sentences ranging from 15 to 30 years)
James Elshafay and Shahawar Siraj (2004)	Civilian-provided intelligence Undercovers and/or informants	Guilty plea (Elshafay: 5 years) Conviction (Siraj: 30 years)
Yassin Aref and Mohammad Hossain (2004)	Undercovers and/or informants	Convicted in Federal Court (15 Years)
Umer Hayat and Hamid Hayat (2005)	Undercovers and/or informants	Guilty plea (U. Hayat: Time served) Conviction (H. Hayat: 24 years)
L.A. Terror Plot (2005)	Arrested on other charges	Guilty pleas (4: Sentences ranging from 5 to 22 years)
Michael Reynolds (2005)	Civilian-provided intelligence Undercovers and/or informants	Convicted in Federal Court (30 years)
Mohammed Amawi et al. (2006)	Undercovers and/or informants	Convicted in Federal Court (3: Sentences ranging between 8 and 20 years)
Syed Ahmed and Ehsanul Sadequee (2006)	Discovered through association	Convicted (Ahmed: 13 years; Sadequee: 15 years)
Liberty City Seven (2006)	Undercovers and/or informants Unclear	Convicted (5: Sentences ranging from 6 to 13 years) Acquitted (2)
Assem Hammoud (2006)	Undercovers and/or informants	Case pending
Liquid Explosives Plot (2006)	Foreign direct action	Convicted (4: Sentences ranging from 22 to 40 years) Acquitted (4)

Plot	How Plot was Thwarted	Case Disposition
Derrick Shareef (2006)	Undercovers and/or informants	Guilty plea (35 years)
Christopher Paul (2007)	Unclear	Guilty plea (20 years)
Fort Dix Plot (2007)	Civilian-provided intelligence Undercovers and/or informants	Convicted (5: Sentences ranging from 5 to 20 years) Guilty plea (1: 1 year and 8 months)
JFK Terror Plot (2007)	Foreign-directed intelligence	Case pending
Hassan Abujihaad (2008)	Discovered through association	Convicted in Federal Court (10 years)
Synagogue Terror Plot (2009)	Undercovers and/or informants	Case pending
Najibullah Zazi et al. (2009)	PATRIOT Act provisions	Guilty pleas (Zazi, Ahmedzay: Sentencing pending) Case Pending (Medunjanin)
Michael Finton (2009)	Arrested on other charges Undercovers and/or informants	Case pending
Hosam Smadi (2009)	Undercovers and/or informants	Case pending
Tarek Mehanna (2009)	Discovered through association	Case pending
Umar Farouk Abdulmutallab (2009)	Direct civilian intervention	Case pending

Details of Foiled Plots

Richard Reid (2001)

One of the earliest attacks thwarted after 9/11 was that perpetrated by Richard Reid, who attempted to detonate explosives secreted in his shoe while aboard a U.S. airliner in December 2001. Reid's attack was foiled when flight attendants noticed him attempting to light the bomb's fuse and physically subdued him with the help of other passengers. Reid was arrested after the plane landed and ultimately pled guilty to eight charges, including attempted use of a weapon of mass destruction, attempted homicide, and placing an explosive device on an aircraft. He was sentenced to life in prison. 10

^{9 &}quot;Richard Reid Pleads Guilty," CNN, January 22, 2003. http://archives.cnn.com/2002/LAW/10/04/reid.guilty.plea (accessed March 4, 2010).

¹⁰ Pam Bellick, "Threats and Responses: The Bomb Plot; Unrepentant Shoe Bomber is Given a Life Sentence For Trying to Blow Up Jet," *New York Times*, January 31, 2003, http://www.nytimes.com/2003/01/31/us/

Library Tower Plot (2002)

In 2002, U.S. authorities uncovered an al Qaeda plot to crash an airliner into the Library Tower in Los Angeles, the tallest building west of the Mississippi River.¹¹ The plot called for four Southeast Asian operatives affiliated with al Qaeda to use shoe bombs to breach the cockpit door of a commercial airliner, take control of the plane, and crash it into the Library Tower. Khalid Sheikh Mohammed, in partnership with senior Jemaah Islamiah leader Hambali, allegedly planned the attack to occur simultaneously with those executed on 9/11. When a simultaneous east and west coast attack was deemed too difficult to effectively execute, however, the plan was changed to involve a "second wave" attack to be carried out shortly following 9/11. By the time that former President George W. Bush publicly provided details about the Library Tower Plot in 2006, the four individuals recruited to carry out the attack had already been arrested. Those individuals' identities and custody status are currently unclear.¹²

There has been considerable controversy over exactly how and when the Library Tower attack was disrupted. That debate has focused primarily on the role of information obtained by CIA officials from Khalid Sheikh Mohammed, who was captured and placed under U.S. custody in March 2003.

Former Bush Administration officials have repeatedly suggested that CIA employees' use of waterboarding and other torture techniques against Khalid Sheikh Mohammed in 2003 yielded information that eventually led authorities to arrest Hambali and uncover a 17-member Jemaah Islamiah cell slated to attack the Library Tower. Some commentators have pointed to these assertions as evidence that the plot would have gone forward had it not been for information that Mohammed provided. Others, however, have pointed to Bush Administration and FBI statements that suggest the attack was effectively disrupted in its planning stages in 2002 (before Khalid Sheikh Mohammed was captured) and that the cell members not arrested in 2002 believed that the attack plan had been aborted by the time of Mohammed's arrest.

threats-responses-bomb-plot-unrepentant-shoe-bomber-given-life-sentence-for.html?pagewanted=1 (accessed April 23, 2010).

^{11 &}quot;Bush Spells out 'LA terror plot,'" BBC, February 6, 2006. http://news.bbc.co.uk/2/hi/americas/4697896. stm (accessed March 23, 2010).

¹² Ibid.

^{13 &}quot;CIA Confirms: Waterboarding 9/11 Mastermind Led to Info that Aborted 9/11-Style Attack on Los Angeles"; "President Discusses Progress in War on Terror to National Guard."

^{14 &}quot;Declassified Documents This Week Confirm Library Tower Plot."

¹⁵ George W. Bush, "President's Radio Address," March 8, 2008. http://georgewbush-whitehouse.archives.gov/news/releases/2008/03/20080308.html (accessed March 24, 2010).

^{16 &}quot;Scope of Plots Bush Says Were Foiled is Questioned"; "Water-Bored: Al-Qaida's plot to bomb the Library Tower was not worth torturing anyone over."

Jose Padilla (2002)

Jose Padilla, a U.S. citizen and former Chicago gang member, was arrested in May 2002 for allegedly plotting to detonate a dirty bomb on U.S. soil. He was placed in custody after Abu Zubaydah, an alleged top al Qaeda official who remains in U.S. custody, pointed authorities toward Padilla while under interrogation in an ostensible effort to demonstrate that al Qaeda was capable of recruiting Americans to conduct attacks within the United States.¹⁷

CIA personnel used torture techniques against Abu Zubaydah during his time in U.S. custody, a process that included waterboarding him 83 times in a one-month period. There has been considerable controversy, however, over whether Zubaydah provided the information leading to Padilla's capture before or after these techniques were employed. CIA officials and former members of the Bush Administration have suggested that Abu Zubayda identified Jose Padilla after being subjected to torture techniques. Others, most notably former FBI agent Ali Soufan—who questioned Zubaydah using traditional law enforcement interrogation methods—have suggested that Zubaydah provided the information prior to being tortured.

Padilla was initially arrested and detained as a material witness. He was later designated an unlawful enemy combatant and held without trial at the U.S. military facility in Guantánamo Bay. Padilla was eventually released to civilian courts, at which point he was tried and convicted for conspiracy to murder, kidnap, and maim people overseas—charges that differed substantially from those for which he was originally arrested.²⁰ He was sentenced to 17 years and 4 months in prison.²¹

Lackawanna Six (2002)

The investigation leading to the arrest of the Lackawanna Six, a group of six individuals arrested in 2002 for training in terrorist and assault tactics in preparation for armed jihad, began with an anonymous letter sent to the FBI by a concerned citizen living in the conspirators' home community. The letter, which warned that the aspiring terrorists had trained abroad in Afghanistan, prompted an FBI investigation involving the use of paid informants. The investigation ultimately led to guilty pleas or convictions for all six group members.²² Mukhtar al-Bakri and Yahya Goba each received 10-year

¹⁷ Donna Leinwand and Jack Kelly, "U.S. Citizen Arrested In 'Dirty Bomb' Plot," *USA Today*, June 11, 2002, http://www.usatoday.com/news/nation/2002/06/10/terror-arrest.htm (accessed March 24, 2010)

^{18 &}quot;Internal Rifts on Road to Torment"; "CIA Briefed 68 Lawmakers on Interrogation Program"; "New Documents Show the CIA, Not the FBI, Got Zubadayh to 'Cough Up' Jose Padilla."

^{19 &}quot;My Tortured Decision"; "FBI, CIA Debate Significance of Terror Suspect."

²⁰ Abby Goodnough and Scott Shane, "Padilla is Guilty on All Charges in Terror Trial," *New York Times*, August 17, 2007. http://www.nytimes.com/2007/08/17/us/17padilla.html?_r=1 (accessed December 10, 2009).

²¹ Kirk Semple, "Padilla Sentenced to 17 Years in Prison," *New York Times*, January 22, 2008. http://www.nytimes.com/2008/01/22/us/22cnd-padilla.html (accessed March 5, 2010).

^{22 &}quot;Chasing the Sleeper Cell," PBS, October 16, 2003. http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/cron.html (accessed March 4, 2010).

prison sentences, and Faysal Galab and Sahim Alwan were sentenced to 7 years and 9 years and six months, respectively. Yasein Taher and Shafal Mosed both received 8-year prison sentences.²³

There is no evidence to suggest that law enforcement personnel used post-9/11 surveillance provisions during the investigation. However, Justice Department officials credited the PATRIOT Act for increasing information sharing within and among investigating agencies, thereby making the investigation easier to effectively pursue.²⁴

Mohammed Jabarah (2002)

Omani authorities arrested Mohammed Jabarah in 2002 in connection with multiple terrorist plots, including plans to bomb a mass transit system used by U.S. military personnel as well as the U.S., Australian, and Israeli embassies in Singapore. Though the circumstances leading to Jabarah's arrest are unclear, he was already a wanted terror suspect when he was arrested. Jabarah underwent interrogation in Oman, and was later transferred to Canadian, then U.S. custody. He cooperated with Canadian and American officials while in custody, admitting to his participation in terror plots and providing information about al Qaeda's leadership. He was later alleged, however, to have been plotting to kill his FBI handlers and continue pursuing violent jihad.²⁵ On January 18, 2008, Jabarah was sentenced to life in prison.²⁶

Portland Seven (2002-2003)

In October 2002, FBI agents arrested six members of the Portland Seven, the group that conspired to travel to Afghanistan and join the Taliban in its fight against U.S. and coalition forces. The seventh group member, Maher Hawash, was arrested in April 2003. During the investigation leading to the plotters' arrests, Jeffrey Battle, one of the conspirators, was recorded stating that prior to deciding to join the Taliban he had considered conducting attacks against synagogues and Jewish schools in Portland, Oregon.²⁷ None of the conspirators, however, was ever charged with planning or attempting to launch domestic attacks.

²³ Leigh Montgomery and Elizabeth Ryan, "Terrorist Plots Uncovered in the U.S. Since 9/11," *Christian Science Monitor*, September 26, 2009, http://www.csmonitor.com/USA/2009/0926/p02s08-usgn.html (accessed April 25, 2010).

^{24 &}quot;The Patriot Act: Justice Department Claims Success," PBS, July 20, 2005. http://www.npr.org/templates/story/story.php?storyId=4756706 (accessed March 4, 2010).

²⁵ Josh White and Keith B. Richburg, "Terror Informant for FBI Allegedly Targeted Agents," *Washington Post*, January 19, 2008. http://www.washingtonpost.com/wp-dyn/content/article/2008/01/18/AR2008011803766. html (accessed March 5, 2010).

²⁶ Ibid.

²⁷ Hal Bernton, "2 More Defendants in Portland's Terrorism Case Enter Guilty Pleas," *Seattle Times*, October 17, 2003. http://community.seattletimes.nwsource.com/archive/?date=20031017&slug=portlandseven17m (accessed March 4, 2010).

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The original investigation into the Portland Seven began when a local resident called the sheriff's office to report hearing a series of gunshots in a nearby gravel pit. A sheriff's deputy responded to the location, where several of the conspirators were training with firearms in preparation for fighting with the Taliban in Afghanistan. The deputy did not make any arrests. He did, however, generate a report that identified one of the seven, who had prior felony convictions, as one of the shooters. The sheriff's office forwarded the report to the FBI, which opened the investigation that eventually uncovered the group's jihadist aspirations.²⁸

During the course of the investigation, the FBI used an informant to monitor the group and record exchanges between its members, including the conversation in which Jeffrey Battle acknowledged having considered domestic attacks. Federal agents also used PATRIOT Act surveillance and information sharing provisions to monitor email communications and bank transfers, as well to identify co-conspirators.²⁹ Six of the plotters ultimately pled guilty to charges that included conspiracy to provide material support for terrorism and levy war against the United States, money laundering, and weapons offenses.³⁰ Each of the conspirators received prison sentences ranging from 3 to 18 years.³¹ The seventh group member was killed in Pakistan in October 2003.³²

Khalid Sheikh Mohammed (2003)

In March 2003, acting on an intelligence tip-off from a CIA informant, Pakistani police arrested Khalid Sheikh Mohammed during a raid on a house in Rawalpindi, Pakistan.³³ Mohammed, the self-described mastermind of the 9/11 attacks, was transferred to U.S. custody and was eventually placed in the U.S. detention facility in Guantánamo Bay.³⁴ In November 2009, Justice Department authorities announced that Mohammed was to be tried in a New York City civilian court.³⁵ At the time of writing, however,

²⁸ William McCormack, "State and Local Law Enforcement: Contributions to Terrorism Prevention," FBI Law Enforcement Bulletin, March 2009. http://www.fbi.gov/publications/leb/2009/march2009/terrorism.htm (accessed March 5, 2010).

^{29 &}quot;Terrence P. Jeffrey, "Terrorist Blamed his Failure on Bush," Human Events, February 10, 2006. http://www.humanevents.com/article.php?id=12329&keywords=gorder (accessed March 10, 2010).

^{30 &}quot;Portland Man Strikes Plea Deal on Terror Charges" Fox News, August 6, 2003. http://www.foxnews.com/story/0,2933,93944,00.html (accessed March 4, 2010); "Portland Seven' Members Sentenced; Anti-Semitism Revealed," Anti-Defamation League, December 2, 2003. http://www.adl.org/LEARN/news/Portland_Seven.asp (accessed March 4, 2010).

³¹ Ibid.

^{32 &}quot;Terrorist Blamed his Failure on Bush."

³³ Robert Windrem, "The Undoing of al-Qaeda's 'James Bond," NBC, March 15, 2007. http://www.msnbc.msn.com/id/8307872/ns/us_news-security// (accessed February 28, 2010).

^{34 &}quot;The 'Most Prolific' Detainee."

³⁵ Charlie Savage, "Accused 9/11 Mastermind to Face Civilian Trial in N.Y.," *New York Times*, November 13, 2009. http://www.nytimes.com/2009/11/14/us/14terror.html (accessed March 8, 2009).

government officials have suggested that this decision may be reversed, and that he could instead be tried in a military tribunal.³⁶

Virginia Jihad Network (2003)

Six of the 11 men comprising the Virginia Jihad Network—the group that planned to engage in jihad in Kashmir, Chechnya, the Philippines, and other countries—were arrested on June 27, 2003. Of the remaining five members, two were already in federal custody, and the remaining three had fled the country and were later arrested. The men, who were alleged to have had connections to the Kashmir-based terrorist group Lashkar-e-Taiba, gathered for training and worship in Northern Virginia and conducted war games at paintball facilities.³⁷ Nine members of the group were convicted of or pled guilty to terrorism-related and weapons charges, and received prison sentences. Two others were acquitted on all counts.³⁸ It is unclear what initially led the authorities to open the investigation.

Iyman Faris (2003)

Iyman Faris was arrested in 2003 for plotting to destroy the Brooklyn Bridge by severing its suspension cables, one of a variety of plots in which he was slated to participate at Khalid Sheikh Mohammed's behest.³⁹ Mohammed identified himself as the chief planner of the Brooklyn Bridge plot while under interrogation in U.S. custody, also providing information that led U.S. authorities to investigate and arrest Faris.⁴⁰ Mohammed provided this information some time after having undergone torture techniques including sleep deprivation and waterboarding.⁴¹ Faris pled guilty to conspiracy and providing support to al Qaeda and was sentenced to 20 years in prison.⁴²

Nuradin Abdi (2003)

Federal immigration authorities arrested Nuradin Abdi, a 32-year-old Somali national who plotted to bomb an unspecified shopping mall in Columbus, Ohio, on November 28, 2003. Abdi's arrest was based on statements that Iyman Faris provided as an informant while in FBI custody.

Shortly after his arrest, which was originally for immigration-related offenses, Abdi admitted to discussing and planning the mall bombing attack with Faris in 2002. On June 15, 2004, he was charged

- 36 Anne E. Komblut and Peter Finn, "Obama Advisers Set to Recommend Military Tribunals for Alleged 9/11 Plotters," *Washington Post*, March 5, 2010. http://www.washingtonpost.com/wp-dyn/content/article/2010/03/04/AR2010030405209.html (accessed March 7, 2010).
- 37 "U.S. Officials Arrest 8 in 'Virginia Jihad Network,'" Bloomberg, June 27, 2003. http://www.bloomberg.com/apps/news?pid=10000103&sid=aff9sXPzxHyk&refer=us (accessed March 4, 2010).
- 38 "Two 'Paintball' Terrorists Sentenced," Fox News, April 9, 2004.
- 39 NEFA Foundation, "KSM's Brooklyn Bridge Plot," Target: America Series, No. 8. (July 2007).
- 40 "The 'Most Prolific' Detainee."
- 41 Ibid.
- 42 Eric Lichtblau and Monica Davey, "Threats and Responses: Terror; Suspect in Plot on Bridge Drew Interest Earlier," *New York Times*, June 21, 2003. http://www.nytimes.com/2003/06/21/us/threats-and-responses-terror-suspect-in-plot-on-bridge-drew-interest-earlier.html?pagewanted=1 (accessed March 7, 2010).

with terrorism support charges, and pled guilty to providing material support to terrorists on July 31, 2007. He was subsequently sentenced to 10 years in prison.⁴³

Dhiren Barot (2004)

Dhiren Barot, an al Qaeda "general" long sought by the British government, was arrested by British authorities in August 2004 for plotting a variety of attacks, including strikes against the New York Stock Exchange and other U.S. financial institutions as well as targets in Great Britain. Though British authorities had known that a major al Qaeda figure was operating in the UK long before 2004, they were only able to identify him and place him under surveillance in June of that year. Barot went underground in July 2004, shortly after which an anti-terror raid in Pakistan uncovered his plans for a dirty bomb attack in the UK. A surveillance team spotted him again in August, leading British detectives to arrest him at a barbershop in London.⁴⁴ Seven other individuals comprising Barot's "support team" were arrested shortly afterward. Barot pled guilty to planning the attacks and was originally sentenced to a minimum of 40 years in prison. In May 2007, however, an appeals court reduced Barot's sentence to 30 years, noting that his conspiracy did not amount to an actual attempted attack.⁴⁵ Barot's co-conspirators all pled guilty to terrrosim-related charges and were sentenced to prison terms ranging from 15 to 26 years.⁴⁶

James Elshafay and Shahawar Matin Siraj (2004)

James Elshafay and Shahawar Siraj, both of whom the FBI arrested for plotting to bomb the New York City Herald Square subway station in 2004, first came under investigation when the New York City Police Department (NYPD) received an anonymous call on its terrorism hotline warning that a young man in the caller's community, Siraj, regularly engaged in virulent anti-American tirades.⁴⁷ This ultimately led the NYPD to place an informant with Siraj and Elshafay who aided them in developing the bombing plot up until their arrest.⁴⁸ Siraj was ultimately convicted and sentenced to a 30-year prison term. Elshafay, who testified against Siraj, pled guilty and was sentenced to five years in prison.⁴⁹

^{43 &}quot;Shopping Mall Plotter Pleads Guilty."

^{44 &}quot;Barot Operation Posed Complex Challenge," *The Guardian*, November 7, 2006. http://www.guardian.co.uk/uk/2006/nov/07/usa.terrorism (accessed March 4, 2010).

^{45 &}quot;'Dirty Bomb' Man's Sentence Cut," BBC, May 16, 2007. http://news.bbc.co.uk/2/hi/uk_news/6661371.stm (accessed March 7, 2010).

^{46 &}quot;Support Team 'Aided Terror Plot," BBC, May 2, 2007, http://news.bbc.co.uk/2/hi/uk_news/6615717.stm (accessed April 29, 2010); ""Dhiren Barot's co-conspirators," BBC, June 15, 2007, http://news.bbc.co.uk/2/hi/uk_news/6756685.stm (accessed April 29, 2010).

⁴⁷ Craig Horowitz, "Anatomy of a Foiled Terrorist Plot," *New York Magazine*, May 21, 2005. http://nymag.com/nymetro/news/features/10559/ (accessed March 5, 2010).
48 Ibid.

^{49 &}quot;Convicted Subway Terror Plotter Gets 5 Years," CBS, March 2, 2007. http://wcbstv.com/local/subway.terrorist.sentence.2.242570.html (accessed March 8, 2009).

Yassin Aref and Mohammad Hossain (2004)

Yassin Aref and Mohammad Hossain were arrested in 2004 and charged in connection with a plan to launder money for weapons that would be used to assassinate the Pakistani ambassador during a trip to New York. Their arrests were the end result of a sting operation, in which an FBI informant lured the men into a plot to profit from the sale of grenade launchers to terrorists by laundering money through Hossain's pizza business. Aref and Hossain were both convicted on terrorism support charges and sentenced to 15 years in prison.⁵⁰

Approximately two months before the sting operation, Aref's name, phone number, and New York address were found in a notebook discovered in a destroyed encampment in Iraq that had allegedly been occupied by terrorists. That discovery, combined with records of 14 phone calls that Aref made to Damascus, Syria, prompted the FBI to begin the sting operation that led to the arrests.⁵¹

During Aref and Hossain's criminal proceedings there was some debate as to whether the NSA's domestic wiretapping program, established by executive order in 2002, played a role in building the case against the two men. Some unnamed officials and Aref and Hossain's defense attorneys, who were trying to contest the program's constitutionality, suggested that warrantless wiretaps were used during the investigation.⁵² In 2006, however, a federal judge issued a classified ruling that denied the defense's motion for dismissal and prevented the release of information that might have clarified whether warrantless wiretaps were in fact used.⁵³

Umer Hayat and Hamid Hayat (2005)

Umer Hayat, a 47-year-old Pakistani immigrant, and Hamid Hayat, his 22-year-old American-born son, were arrested in Lodi, California in 2005 for lying to FBI investigators regarding Hamid's terrorist training in Pakistan. The father and son initially came under investigation when an FBI informant struck up a relationship with Hamid Hayat and began tape-recording conversations with him. During these conversations, Hayat discussed participating in jihad, praised al Qaeda, and voiced his support for religious government in Afghanistan and Pakistan.⁵⁴ Hamid Hayat was convicted of providing material support to a terrorist group and for lying to the FBI during questioning about his jihadist training. He was sentenced to 24 years in prison. His conviction was based in part on a videotaped

⁵⁰ Michael Wilson, "Jury Convicts 2 Albany Men in Missile Sting," *New York Times*, October 11, 2006. http://www.nytimes.com/2006/10/11/nyregion/11plot.html (accessed March 7, 2010).

⁵¹ Brendan Lyons, "Suspects Raise Domestic Spy Issue," *The Times Union*, January 5, 2006.

⁵² Lowell Bergman, Eric Lichtblau, Scott Shane, and Don Van Natta Jr., "Spy Agency After Sept. 11 Led F.B.I.

to Dead Ends," *New York Times*, January 17, 2006. http://www.nytimes.com/2006/01/17/politics/17spy.html?_r=1&pagewanted=all (accessed March 23, 2010).

⁵³ Julia Preston, "Judge Issues Secret Ruling in Case of 2 at Mosque," *New York Times*, March 11, 2006. http://www.nytimes.com/2006/03/11/national/11terror.html (accessed March 23, 2010).

^{54 &}quot;Lodi Man Sentenced to 24 Years for Attending Terrorist Training," Associated Press, September 10, 2007. http://www.kcbs.com/pages/925046.php?contentType=4&contentId=898827 (accessed March 22, 2010).

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confession to the FBI regarding his past terrorist training, a confession whose validity was later questioned. 55

Umer Hayat was charged with lying to the FBI in 2005 by falsely denying that he had first-hand knowledge of terrorist training camps in Pakistan and that his son had attended them. The first round of criminal proceedings ended in a mistrial, but Umer Hayat ultimately pled guilty to lying to the FBI and U.S. Customs agents about \$28,000 that he had brought with him on a trip to Pakistan. He was sentenced to time served and three years' supervised release.⁵⁶

L.A. Terror Plot: Levar Washington, Gregory Patterson,

Hammad Samana, Kevin James (2005)

The 2005 L.A. Terror Plot, which involved plans to attack synagogues, military facilities, and other buildings in Los Angeles, was thwarted when local police arrested would-be terrorists Levar Washington and Gregory Patterson in connection with a number of gas station robberies that they had committed to finance their operations. A search of the conspirators' apartments uncovered documents detailing attack plans and espousing the cell's jihadist ideology. These discoveries prompted an FBI terrorist conspiracy investigation and the conspirators' arrests. Washington, Patterson, and James all ultimately pled guilty to conspiracy to levy war against the U.S. government and were given 22, 12, and 16-year prison sentences, respectively. Hammad Samana, who pled guilty to the same charges, was sentenced to 5 years and 10 months in prison. ⁵⁷

Michael Reynolds (2005)

Civilian-provided intelligence led to the 2005 arrest of Michael Reynolds, who plotted to bomb gas pipelines and energy infrastructure in the United States. Montana judge Shannen Rossmiller posed as an al Qaeda financier on an Internet discussion website, offered to bankroll Reynolds' attacks, and arranged an in-person meeting. She then notified the FBI, whose agents conducted a sting operation that resulted in Reynolds' arrest. He was ultimately convicted of weapons possession charges and attempting to provide material support to terrorists.⁵⁸

⁵⁵ Ibid.

⁵⁶ Department of Justice Press Release, "Hamid Hayat Sentenced to 24 Years in Connection with Terrorism Charges," September 10, 2007. http://losangeles.fbi.gov/dojpressrel/pressrel09/la030609ausa.htm (accessed March 5, 2010).

⁵⁷ Department of Justice Press Release, "Man who Formed Terrorist Group that Plotted Attacks on Military and Jewish Facilities Sentenced to 16 Years in Federal Prison," March 6, 2009. http://losangeles.fbi.gov/dojpressrel/pressrel09/la030609ausa.htm (accessed March 5, 2010); "Two Sentenced in Los Angeles Terror Plot Against Jewish Institutions," Anti-Defamation League, August 26, 2008. http://www.adl.org/main_Terrorism/los_angeles_sentenced.htm (accessed March 5, 2010).

⁵⁸ William Vitka, "Penn. Man Named in Alleged Terror Plot," CBS News, February 11, 2006.

Mohammed Zaki Amawi, Marwan Othman El-

Hindi, and Zand Wassim Mazloum (2006)

In 2006, Mohammed Zaki Amawi, Marwan Othman El-Hindi, and Zand Wassim Mazloum were arrested for conspiring to produce explosives for use against U.S. military personnel in Iraq. The investigation into Amawi and his accomplices began when Darren Griffin, a retired Special Forces officer working for the FBI, cultivated a relationship with Amawi and El-Hindi while posing as an Islamic extremist in a mosque in Toledo. The relationship developed when the two men expressed interest in Griffin and his apparent jihadist leanings. Griffin, from whom the conspirators sought military training, recorded conversations with the two men. During these conversations El-Hindi spoke of participating in jihad in Iraq and engaging two other individuals, Khaleel Ahmed and Zubair Ahmed, in jihadist training. Though the conspirators' defense attorneys accused the FBI of entrapment, Amawi, El-Hindi, and Mazloum were all ultimately convicted of plotting to recruit and train Iraqi insurgents and kill U.S. troops overseas. Mazloum was sentenced to 8 years and six months in prison. Amawi and El-Hindi received 20- and 13-year sentences, respectively.

Syed Haris Ahmed and Ehsanul Islam Sadequee (2006)

Syed Ahmed and Ehsanul Sadequee, both U.S. citizens, were arrested in 2006 for conspiring to provide terrorist organizations with information for use in attacks on U.S. targets, including the Pentagon and Capitol building. Ahmed, a former student at Georgia Tech, also traveled to Pakistan in July 2005 in an attempt to seek out and join the Pakistani militant group Lashkar-e-Taiba. The FBI began building a case against Ahmed and Sadequee when they traveled to Toronto by bus to meet with other individuals already under FBI investigation. Ahmed was ultimately convicted of conspiring to provide material support to terrorists in the United States and abroad and was sentenced to 13 years in prison. Sadequee was convicted of supporting terrorists and a foreign terrorist organization and, in December 2009, was sentenced to a 17-year prison term.

The Liberty City Seven (2006)

The Liberty City Seven, comprised of ringleader Narseal Batiste and six other alleged accomplices (Patrick Abraham, Stanley Phanor, Naudimar Herrera, Burson Augustin, Lyglenson Lemorin, and

⁵⁹Tim Andrassy, "Informant: Terror Suspects Sought Him," Fox Toledo, May 10, 2008. http://www.foxtoledo.com/dpp/news/Informant_Terror_Suspects_Sought_Him (accessed March 4, 2010).

^{60 &}quot;3 Toledo Convicted Terrorists Sentenced," Fox Toledo, May 10, 2008. http://www.foxtoledo.com/dpp/news/local/wupw_ap_local_terror_suspect_gets_20_years_in_prison_10212009ds (accessed March 4, 2010).

⁶¹ Ibid.

^{62 &}quot;Former U.S. University Student Convicted of Terror Charge," *The Guardian*, June 10, 2009. http://www.guardian.co.uk/world/2009/jun/10/georgia-tech-student-videotape-terrorism (accessed March 10, 2010). 63 Ashley Hayes, "Georgia Men Get Lengthy Prison Time For Supporting Terrorists," CNN, December 14, 2009. http://www.cnn.com/2009/CRIME/12/14/terror.sentence/index.html (accessed March 8, 2010).

Rotschild Augustine) were arrested in 2006 in connection with a plot to bomb the Sears Tower in Chicago and provide material support to al Qaeda. It is unclear how the investigation into the plot began. The alleged conspirators' arrests, however, were made after meeting with an FBI informant posing as an al Qaeda member who recorded them discussing their desire to train with al Qaeda and cause an anti-government insurrection. Batiste, Abraham, Phanor, Augustine, and Augustin were all convicted on multiple conspiracy charges, and were sentenced to 13, 9, 8, 7, and 6 years in prison, respectively. Lemorin and Herrara were acquitted on all counts.

Assem Hammoud (2006)

Assem Hammoud, a former professor of computer studies in Beirut, was arrested along with seven other individuals in 2006 for plotting to bomb New York City PATH train tunnels using bombs carried in backpacks. Hammoud initially drew law enforcement attention through statements he made on an internet chat site that was under FBI surveillance. Six countries, reportedly including Canada, Pakistan, and Iraq, participated in the investigation that ultimately led to the plot's disruption,⁶⁷ and Lebanese authorities arrested Hammoud at his apartment in Beirut. Because the United States does not have an extradition treaty with Lebanon, however, he was not extradited to the United States. Lebanese authorities released Hammoud on bail in June 2008 pending a military court verdict. If convicted, he faces up to five years in prison.⁶⁸

Liquid Explosives Plot (2006)

The Liquid Explosives Plot, which involved plans to bomb as many as 10 transatlantic flights originating in London using liquid explosives smuggled aboard in soda bottles, was disrupted with the arrest of 24 alleged conspirators in August 2006. The conspirators, most of whom were British citizens of Pakistani origin, had been under British surveillance since late 2005.⁶⁹ Though British authorities' unwillingness to provide specifics makes it somewhat unclear how the investigation into the plot

- 64 "Sears Tower Bomb Plot Leader Narseal Batiste Jailed," BBC, November 20, 2009. http://news.bbc.co.uk/2/hi/8371671.stm (accessed March 4, 2010).
- 65 Department of Homeland Security Press Release, "Liberty City Defendants Sentenced To Federal Prison On Terror-related Charges," November 20, 2009, http://www.ice.gov/pi/nr/0911/091120miami.htm (accessed April 23, 2010).
- 66 "5 Convicted in 'Liberty City' Terror Trial," CNN, May 12, 2009. http://www.cnn.com/2009/CRIME/05/12/liberty.seven/index.html (accessed March 8, 2009).
- 67 "FBI: Three Held in New York Tunnel Plot," CNN, July 7, 2006. http://www.cnn.com/2006/U.S./07/07/tunnel.plot/index.html (accessed March 4, 2010).
- 68 Alison Gendar and Bill Hutchinson, "Assem Hammoud, Suspect in Alleged New York Tunnels Plot, Released on Bail in Lebanon," *New York Daily News*, March 18, 2009. http://www.nydailynews.com/news/national/2009/03/17/2009-03-17_assem_hammoud_suspect_in_alleged_new_yor.html (accessed March 7, 2010).
- 69 "Trans-Atlantic Aircraft Plot," New York Times, September 14, 2009. http://topics.nytimes.com/top/reference/timestopics/subjects/t/terrorism/2006_transatlantic_aircraft_plot/index.html?scp=1&sq=liquid%20explosives%20plot&st=cse (accessed December 5, 2009).

began, two Pakistani officials said their country's intelligence helped British security agencies crack the plot after an Islamist militant was arrested near the Afghan-Pakistan border sometime in 2006.⁷⁰

Of the 24 alleged conspirators originally arrested, only 15 were charged. Of those 15, eight went to trial. In September 2008, those eight men were acquitted of conspiracy to attack an aircraft, but four of them were found guilty of conspiracy to commit murder. In September 2009, those four were sentenced to prison terms ranging between minimums of 22 and 40 years. A jury was unable to reach a verdict on the murder conspiracy charges brought against the four other alleged conspirators.

Derrick Shareef (2006)

On December 6, 2006, FBI agents arrested Derrick Shareef for plotting to attack a Chicago area mall during the Christmas shopping season using grenades hidden in trashcans. Authorities began investigating Shareef after he confided in an acquaintance, who was an FBI informant, that he wished to commit violent acts of jihad against civilians. The informant recorded his conversations with Shareef, which included discussions of attacks on government buildings and a synagogue in the Chicago area, and shooting a judge in Dekalb, Illinois. The informant also posed as a willing accomplice in the attack plans, going so far as to record "last will" videos with Shareef in the days leading up to his arrest. Shareef was ultimately arrested in a sting operation, in which an undercover FBI agent posing as an arms dealer accepted his offer to exchange a set of stereo speakers for a handgun, ammunition, and four hand grenades. The grenades, unbeknownst to Shareef, were inactive. Shareef pled guilty to attempting to use a weapon of mass destruction, and was sentenced to 35 years in prison.

Christopher Paul (2007)

Christopher Paul was arrested in 2007 for plotting to bomb U.S. military facilities and European vacation resorts frequented by Americans.⁷⁵ It is unclear how Paul, who had links to Islamic terror cells in Africa, the Balkans, and Western Europe,⁷⁶ initially came under suspicion. The FBI had been

70 "Q&A: The Plot," *St. Petersburg Times*, August 10, 2006. http://www.sptimes.com/2006/08/10/Worldandnation/QA__The_plot.shtml (accessed March 10, 2010).

71 "U.K. Airline Bomb Plot Ringleader Gets 40 Years," MSNBC, September 14, 2009, http://www.msnbc.msn.com/id/32838860 (accessed April 26, 2010).

72 Pierre Thomas and Jason Ryan, "Lone Wolf' Charged With Plotting Attack During Christmas Rush," ABC News, December 8, 2006. http://abcnews.go.com/TheLaw/story?id=2710776&page=1 (accessed March, 4, 2010).

73 Ibid.

74 "Terror Suspect Pleads Guilty to Mall Attack Plot," CBS News, November 28, 2007. http://cbs2chicago.com/local/derrick.shareef.cherryvalle.2.597906.html (accessed March 4, 2010).

75 Bob Dreihaus, "U.S. Indicts an Ohio Man in Terror Conspiracy Case," *New York Times*, April 13, 2007. 76 Department of Justice Press Release, "Ohio Man Sentenced to 20 Years for Terrorism Conspiracy to Bomb Targets in Europe and the United States," February 26, 2009. http://www.justice.gov/usao/ohs/Press/02-26-09-DOJ.pdf (accessed March 5, 2010).

investigating him for several years prior to his arrest. Paul pled guilty to conspiracy to use a weapon of mass destruction and was sentenced to 20 years in prison.

Fort Dix Plot (2007)

Civilian-provided intelligence led authorities to uncover the Fort Dix Plot, which involved five men planning an armed assault on the Fort Dix military installment in New Jersey in 2007. A sixth man, who provided the plotters with weapons, was also arrested in connection with the planned attack. The plot was discovered when a group of the would-be terrorists brought video footage of individuals undergoing weapons training into a local Circuit City to have it transferred to DVD format. Employees reported the video to authorities, who used an informant to gather further evidence and unravel the plot.⁷⁷ Five of the plotters were convicted of conspiring to kill U.S. soldiers, and received prison sentences ranging from 5 years to life. ⁷⁸ Four of those five were also convicted of weapons offenses.⁷⁹ The sixth individual pled guilty to conspiring to provide weapons to the other five group members, and was sentenced to 1 year and 8 months in prison.⁸⁰

JFK Terror Plot (2007)

In June 2007, U.S. authorities disrupted a plot to bomb aviation fuel tanks and pipelines at JFK airport. Former airline employee Russeel Defreitas and the three other individuals implicated in the plot had been under surveillance for over a year prior to their arrest, part of an FBI sting operation focusing on Defreitas' suspected connection to Islamic extremist groups in the Caribbean. The alleged plotters, who were of Guyanese and Trinidadian descent, were initially placed under surveillance based on information that the CIA gathered in the Caribbean Islands and South America.⁸¹ The details of that information are currently unknown. The alleged conspirators pled not guilty to conspiracy charges, and are currently awaiting trial.

Hassan Abujihaad (2008)

In March 2008, the FBI arrested Hassan Abujihaad, a former navy signalman, for providing al Qaeda with information regarding the movements and vulnerabilities of U.S. naval vessels. U.S. authorities first discovered Abujihaad in December 2003 when British authorities raided the apartment of Babar Ahmad, a British terror suspect, and found information that Abujihaad had provided regarding movements and security weaknesses of the U.S.S. *Benfold* and the sister ships in its convoy.⁸² Abujihaad

⁷⁷ Dale Russakoff and Dan Eggen, "Six Charged in Plot to Attack Fort Dix," Washington Post, May 9, 2007.

^{78 &}quot;Terrorist Plots Uncovered in the U.S. Since 9/11"

^{79 &}quot;5 Convicted of Plot to Kill Fort Dix Soldiers," NPR, December 22, 2008. http://www.npr.org/templates/story/story.php?storyId=98608533&ps=rs (accessed March 7, 2010).

^{80 &}quot;Terrorist Plots Uncovered in the U.S. Since 9/11"

⁸¹ Anthony Fiaola and Steven Mufson, "N.Y. Airport Target of Plot, Officials Say," *Washington Post*, June 3, 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/06/02/AR2007060200606.html (accessed March 4, 2010).

⁸² United States Department of Justice, "Passing Secrets at Sea," March 10, 2008. http://www.fbi.gov/page2/march08/secrets_031008.html (accessed March 5, 2010).

was found guilty of leaking classified information, and was sentenced to 10 years in prison in April 2009.83

Synagogue Terror Plot (2009)

In May 2009, NYPD officers and FBI personnel disrupted the Synagogue Terror Plot, which involved four men (James Cromitie, David Williams, Onta Williams and Laguerre Payen) plotting to bomb multiple New York City synagogues and use Stinger missiles to attack planes operating out of a nearby Air Force base. Authorities arrested the conspirators in a sting operation that captured the would-be terrorists as they attempted to use inert explosives sold to them by a police informant. The sting was the culmination of an almost yearlong investigation that began when James Cromitie approached the informant and told him that he had ties to Jaish-e-Mohammad, a terrorist organization based in Pakistan. All of the alleged plotters pleaded not guilty to charges of conspiracy and attempting to use weapons of mass destruction, and are currently awaiting trial.

Najibullah Zazi, Zarein Ahmedzay, and Adis Medunjanin (2009)

FBI agents arrested Najibullah Zazi, an airport shuttle bus driver who plotted to bomb the New York City subway system, on September 19, 2009. The FBI originally began investigating him after he traveled to Peshawar, Pakistan—where many terrorist groups maintain an active presence—in August 2008. FBI surveillance from the time of his return to the United States in January 2009 until his arrest.

Approximately one week prior to his arrest, Zazi rented a car and drove from Colorado to New York City. As he crossed the George Washington Bridge, law enforcement agents stopped and searched his car, releasing him when nothing was found. After noticing that he was being followed, Zazi flew back to Colorado, where he voluntarily submitted to FBI questioning. Using an array of counterterrorism tools—including roving wiretaps, electronic surveillance, and a "sneak and peek" search of his rental car and laptop hard drive—NYPD and FBI personnel ascertained that Zazi, who had received explosives and other terrorism training from al Qaeda, was attempting to mix explosives for use in an impending attack.⁸⁷ His arrest was initially based on a criminal complaint charging him with lying to the FBI during questioning.

⁸³ Terry Frieden, "Sailor in Spy Case Gets Maximum 10-year sentence," CNN, April 3, 2009. http://edition.cnn.com/2009/CRIME/04/03/uss.cole/index.html (accessed March 8, 2010).

⁸⁴ Jonathan Dienst, "FBI, NYPD Arrest 4 in Alleged Plot to Bomb NY Synagogues," NBC New York, May 21, 2009. http://www.nbcnewyork.com/news/local-beat/FBI-Bust-Plot-Foiled.html (accessed March 4, 2010). 85 "Four Suspects in New York Terror Plot Plead Not Guilty," Fox News, June 3, 2009. http://www.foxnews.com/story/0,2933,525009,00.html (accessed March 8, 2010).

⁸⁶ Kevin Johnson, "Alleged Terror Threat Seem as 'Most Serious' Since 9/11 Attacks," *USA Today*, September 25, 2009. http://www.usatoday.com/news/nation/2009-09-24-terror-probe_N.htm (accessed March 4, 2010). 87 Dina Temple-Raston, "Terrorism Case Shows Range of Investigators' Tools," NPR, October 3, 2009. http://www.npr.org/templates/story/story.php?storyId=113453193 (accessed March 4, 2010).

On January 7, 2010, authorities arrested two other individuals, Zarein Ahmedzay and Adis Medunjanin, who were alleged to have been accomplices in Zazi's bombing plot. The two men, both of whom attended highschool with Zazi, came under FBI suspicion during the investigation into Zazi's bombing plot and were kept under surveillance up until their arrest on January 7th. 88 Both men were originally arrested on charges related to their having accompanied Zazi on his trip to Pakistan in August 2008, but were indicted on terrorism charges on February 25, 2010.89

On February 22 and April 23, 2010, respectively, Zazi and Ahmedzay pled guilty to conspiracy to use weapons of mass destruction, conspiracy to commit murder overseas, and providing material support to a terrorist organization. Both men face sentences of up to life in prison. Medunjanin, who faces the same charges, has pled not guilty and is awaiting trial.

Michael Finton (2009)

FBI agents arrested Michael Finton on September 23, 2009 after he allegedly attempted to destroy an Illinois federal building using a truck bomb. The arrest was the end result of an FBI sting operation in which an undercover FBI agent posing as a low-level al Qaeda operative assured Finton that the truck that he tried to use to destroy his target was filled with explosives. Finton was arrested when he tried to detonate the explosives, which FBI personnel had rendered inert.

Finton initially came under investigation in August 2007, when authorities searched his vehicle while arresting him for a parole violation. The officers conducting the search found a letter describing Finton's martyrdom aspirations and another document suggesting that he was awaiting a written response from John Walker Lindh, the American citizen who was captured while fighting alongside the Afghan Taliban in 2001. Finton's parole officer notified the FBI. Finton was subsequently placed under continuous surveillance, and multiple undercover FBI agents monitored his activities.

⁸⁸ William K. Rashbaum, "After Months of Scrutiny in Zazi Terrorism Case, Two Arrests Came As A Surprise," *New York Times*, January 8, 2010, http://www.nytimes.com/2010/01/09/nyregion/09zazi.html?pagewanted=1 (accessed April 25, 2010).

⁸⁹ A.G. Sulzberger, "Two More Men Charged in Plot to Bomb Subways," *New York Times*, February 25, 2010, http://www.nytimes.com/2010/02/26/nyregion/26terror.html (accessed April 25, 2010).

⁹⁰ Department of Justice Press Release, "Najibullah Zazi Pleads guilty to Conspiracy to Use Explosives Against Persons or Property in U.S., Conspiracy to Murder Abroad, and Providing Material Support to Al-Qaeda," February 22, 2010, http://www.justice.gov/opa/pr/2010/February/10-ag-174.html (accessed April 25, 2010); Department of Justice Press Release, "Zarein Ahmedzay Pleads Guilty to Terror Violations in Connection with Al-Qaeda New York Subway Plot," April 23, 2010, http://www.justice.gov/opa/pr/2010/April/10-ag-473.html (accessed April 25, 2010).

⁹¹ Dirk Johnson, "Suspect in Illinois Bomb Plot 'Didn't Like America Very Much," *New York Times*, September 27, 2009. http://www.nytimes.com/2009/09/28/us/28springfield.html?_r=1 (accessed March 4, 2010); "Two Men Accused in Alleged Bomb Plots in Illinois, Texas," *Chicago Tribune*, September 25, 2009. http://www.chicagotribune.com/news/nationworld/la-na-terror-illinois25-2009sep25,0,1761634.story (accessed March 16, 2010).

Finton pled not guilty to terrorism conspiracy charges. His trial was delayed from December 2009 to April 2010, pending a psychological evaluation. If convicted, Finton faces life in prison.⁹²

Hosam Smadi (2009)

On September 24, 2009, the FBI arrested Hosam Smadi, a 19-year-old Jordanian, for allegedly plotting to bomb a skyscraper in downtown Dallas, Texas. He initially came under investigation when FBI personnel discovered him on an extremist website in early 2009.⁹³ The FBI later placed undercover agents with Smadi to monitor his activities and kept him under continuous surveillance. He was ultimately arrested in a sting operation that caught him attempting to use explosives that FBI personnel had ensured were inert prior to the attack's execution.⁹⁴ On September 30, 2009, Smadi was indicted for attempting to use a weapon of mass destruction⁹⁵ and is scheduled for trial in June 2010.⁹⁶

Tarek Mehanna (2009)

On October 21, 2009, federal authorities arrested Tarek Mehanna, who allegedly plotted to attack civilians in a shopping mall, U.S. military personnel stationed abroad, and two unnamed members of the executive branch of the U.S. government. Mehanna is also alleged to have sought training from terrorist groups in Pakistan, Iraq, Syria, and Yemen. An informant who had been party to multiple conversations with Mehanna and other alleged conspirators provided information about the planned attacks. Authorities began investigating Mehanna in 2006 when he attempted to obtain automatic weapons from a known terrorism suspect.⁹⁷ He is currently awaiting trial.

Umar Farouk Abdulmutallab (2009)

Umar Farouk Adbulmutallab, a 23-year-old Nigerian allegedly connected with an al Qaeda affiliate operating in Yemen, was arrested in December 2009 after allegedly attempting to bomb a passenger airliner traveling from the Netherlands to Detroit, Michigan using explosives secreted in his underwear. Abdulmutallab's attack was thwarted after he was unable to successfully detonate the

⁹² Kurt Erickson, "Trial Delayed to Determine Alleged Bomber's Fitness," Herald-Review.com, December 22, 2009.

⁹³ Jason Trahan, Todd J. Gillman, and Scott Goldstein, "Dallas Bomb Plot Suspect Told Landlord He Was Moving Out," *Dallas Morning News*, September 26, 2009. http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/092409dnmetbombarrest.1b177db8b.html (accessed March 10, 2010).

⁹⁴ Pierre Thomas and Jason Ryan, "FBI Stings are Chilling Evidence of Homegrown Terror," ABC News, September 25, 2009. http://abcnews.go.com/Politics/fbi-terror-stings-smadi-finton-allegedly-ties-osama/story?id=8670328 (accessed March 10, 2010).

^{95 &}quot;Jordanian Indicted in Dallas Bomb Plot," CBS News, October 8, 2009. http://www.cbsnews.com/stories/2009/10/08/national/main5371726.shtml (accessed March 10, 2009).

^{96 &}quot;Alleged Dallas Bomb Plot Trial Set For June," ABC News, November 25, 2009. http://abclocal.go.com/ktrk/story?section=news/state&id=7138727 (accessed March 4, 2010).

⁹⁷ Abby Goodnough and Liz Robbins, "Mass. Man Arrested in Terrorism Case," *New York Times*, October 21, 2009. http://www.nytimes.com/2009/10/22/us/22terror.html (accessed March 4, 2010).

explosives. During the attack, his clothing and a section of the plane's interior caught on fire, at which point passengers subdued him.

Leading up to the December attack, the intelligence community picked up intercepts indicating that al Qaeda was planning to use a Nigerian operative for an attack on the United States. Other intercepts suggested a terror attack originating in Yemen at Christmas, though officials believed the likely target would be somewhere in the Middle East, not in the United States.⁹⁸

One month prior to the December attack, Abdulmutallab's father, a prominent retired banker and former Nigerian finance minister, informed American officials at the U.S. embassy in Abuja, Nigeria that his son had disappeared and that he had been associating with Yemeni extremists. Though a report was generated and entered into the National Counterterrorism Center's (NCTC) Terrorist Identities Datamart Environment system, the NCTC determined that there was no "reasonable suspicion" to conclude that Abdulmutallab was a terrorist. He was, therefore, not put on the FBI's Terrorist Screening Center watchlist, designated as requiring extra screening before boarding a plane, or placed on a "no-fly" list.⁹⁹

In January 2010, Abdulmutallab was indicted on six federal charges including attempted use of a weapon of mass destruction. Abdulmutallab pled not guilty to the charges, for which he faces a life sentence if convicted. ¹⁰⁰ The trial is currently ongoing.

Policy Recommendations

We must recognize the importance of developing and maintaining multi-layered counterterrorism strategies. The data amply demonstrates that terrorist groups remain committed, creative, and remarkably adaptive. Therefore, America's counterterrorism strategies must be comprehensive, reasoned, balanced, and comprised of an array of elements that are both complementary and demonstrably effective. Overreliance on any single counterterrorism instrument or policy risks neglecting the spectrum of other important tools that have proven vital to disrupting attacks since 9/11. Developing a robust long-term counterterrorism strategy, therefore, requires establishing a multi-layered defense that can effectively counter the diverse array of terrorist threats that America continues to face.

We must continue to provide funding support to local law enforcement, particularly its capacity to develop and effectively leverage home-community intelligence resources and informants. The data suggests that the often-mentioned need for increased cooperation at the local, state, and federal levels remains as valid today as it was immediately after 9/11. It is also important to note that local law

⁹⁸ Mark Hosenball, Michael Isikoff, and Evan Thomas, "The Radicalization of Umar Farouk Abdulmutallab," *Newsweek*, January 2, 2010. http://www.newsweek.com/id/229047/page/1 (accessed March 4, 2010). 99 Ibid.

^{100 &}quot;Airplane Bomb Suspect Pleads Not Guilty," CNN, January 8, 2010. http://www.cnn.com/2010/CRIME/01/08/terror.hearing/index.html (accessed March 7, 2010).

enforcement authorities that have intimate contact with and knowledge of the communities where terrorists live, plan, and operate are uniquely well placed to develop the informants and community-based human intelligence that have proven instrumental to foiling a number of post-9/11 attacks. While these capabilities have been growing, particularly in large urban centers like New York City, continuing to develop such capacities nationwide and at all levels of law enforcement should be considered central to an effective long-term strategy.

Congress should establish a bipartisan panel to critically re-examine the extent to which post-9/11 counterterrorism procedures and policies have contributed to thwarting terrorist attacks.

Central to determining which counterterrorism tools should be employed to protect America from terrorism is a clear understanding of the extent to which those tools have effectively contributed to the broader counterterrorism effort. Reaching this understanding requires a commitment to maintaining a constant, open dialog with the individuals, agencies, and groups using and authorizing these tools so that evidenced-based analysis—rather than conjecture and assumption—becomes the foundation for policy. Establishing an independent, bipartisan panel to rigorously examine the effectiveness of counterterrorism measures employed since 9/11 would be a critical first step. Given the seriousness and scope of counterterrorism measures adopted since 9/11—including the indefinite detention and torture of terror suspects, the codification and use of broad domestic surveillance and search authority, and large-scale military operations—the need for an immediate, comprehensive evaluation of America's counterterrorism efforts to date is both pressing and clear. A bipartisan effort to take a frank, searching, and depoliticized look at what measures have worked to make America safe is a critical precondition to determining what will contribute to an effective strategy going forward.

The American public must maintain vigilance without succumbing to fear. The data shows that individual awareness, vigilance, and action have been critical factors in successfully safeguarding America against terrorist threats. However, it is equally important that the American public recognizes that individual action based on panic and paranoia can be as damaging to the broader counterterrorism effort as complacency. Doing one's part to make America safer from terrorist attacks, whether through provision of intelligence, direct intervention, or political action, requires maintaining a degree of perspective and levelheadedness that in the long run will make America safer.

Building a New American Arsenal

The American Security Project (ASP) is a bipartisan initiative to educate the American public about the changing nature of national security in the 21st century.

Gone are the days when a nation's strength could be measured by bombers and battleships. Security in this new era requires a New American Arsenal harnessing all of America's strengths: the force of our diplomacy; the might of our military; the vigor of our economy; and the power of our ideals.

We believe that America must lead other nations in the pursuit of our common goals and shared security. We must confront international challenges with all the tools at our disposal. We must address emerging problems before they become security crises. And to do this, we must forge a new bipartisan consensus at home.

ASP brings together prominent American leaders, current and former members of Congress, retired military officers, and former government officials. Staff direct research on a broad range of issues and engages and empowers the American public by taking its findings directly to them.

We live in a time when the threats to our security are as complex and diverse as terrorism, the spread of weapons of mass destruction, climate change, failed and failing states, disease, and pandemics. The same-old solutions and partisan bickering won't do. America needs an honest dialogue about security that is as robust as it is realistic.

ASP exists to promote that dialogue, to forge consensus, and to spur constructive action so that America meets the challenges to its security while seizing the opportunities the new century offers.



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