

# THE FIND EVERY TERRORIST AT ANY COST INDUSTRY

As a thought experiment, replace the word “terrorist” in this paragraph with “soldier” or “military.”

All terrorists fundamentally see themselves as altruists: incontestably believing that they are serving a “good” cause designed to achieve a greater good for a wider constituency—whether real or imagined—which the terrorist and his organization or cell purport to represent. Indeed, it is precisely this sense of self-righteous commitment and self-sacrifice that that draws people into terrorist groups. It all helps them justify the violence they commit. It gives them collective meaning. It gives them cumulative power. The terrorist virtually always sees himself as a reluctant warrior: cast perpetually on the defensive and forced to take up arms to protect himself and his community. They see themselves as driven by desperation—and lacking any viable alternative—to violence against a repressive state, a predatory rival ethnic or nationalist group, or an unresponsive international order.

The paragraph comes from Bruce Hoffman, a Georgetown Professor/ThinkTanker whose studies of terrorism predate 9/11 by decades. It forms part of his explanation, post Boston, for why people become terrorists: because they, like our own country increasingly, see violence as a solution to their grievance.

That’s not all of Hoffman’s description of what makes people terrorists, mind you. He goes onto discuss religion and the human relations that

might convince someone to engage in violence. But the paragraph has haunted me since I read it over a week ago for how clearly it should suggest that one of the few things that separates terrorism from our country's own organized violence is official sanction (and at least lip service about who makes an appropriate and legal target).

Which is one reason why Jack Levin, in a piece debunking four myths about terrorism, offers this as one solution.

Somehow, we must reinstate the credibility of our public officials – our president, our Congress, and our Supreme Court Justices – so that alienated Americans do not feel they must go outside of the mainstream and radicalize in order to satisfy their goals.

Blaming terrorism on our dysfunctional political system feels far too easy, but it's worth remembering that in Afghanistan, Somalia, and parts of Yemen, Al Qaeda has at times won support from locals because it offered "justice" where the official government did not or could not.

In any case, the common sense descriptions Hoffman and Levin offer haven't prevented a slew of people responding to Boston – some experts, some not – from demanding that we redouble our efforts to defeat any possible hint of Islamic terrorism, no matter the cost.

Batshit crazy Texas Congressman Louie Gohmert claims the Boston attack is all Spencer's fault: because FBI purged some its training materials of some of the inaccurate slurs about Muslims (but did not even correct the training of Agents who had been taught that claptrap in the first place), it can no longer speak a language appropriate to pursuing terrorists. "They can't talk about the enemy. They can't talk about jihad. They can't talk about Muslim. They can't

talk about Islam.” Which elicited the equally batshit crazy response from Glenn Kessler of taking Gohmert’s premise as a valid one that should be disproven by weighing how much offensive language remains in FBI materials, rather than debunking the very premise that only people who engage in cultural slurs would be able to identify terrorists. I award Kessler four wooden heads.

Somewhat more interesting is this piece from Amy Zegart, another Professor/ThinkTanker. She admits we may not know whether Boston involved some kind of intelligence failure for some time.

Finding out what happened will be trickier than it sounds. Crowdsourcing with iPhones, Twitter, and Lord & Taylor surveillance video worked wonders to nail the two suspects with lightning speed. But assessing whether the bombing constituted an intelligence failure will require more time, patience, and something most people don’t think about much: understanding U.S. counter-terrorism organizations and their incentives and cultures, which lead officials to prioritize some things and forget, or neglect, others.

But that doesn’t stop her from insisting FBI’s culture remains inappropriate to hunting terrorists “pre-boom.”

But it is high time we asked some hard, public questions about whether the new FBI is really new enough. Transformation – moving the bureau from a crime-fighting organization to a domestic intelligence agency – has been the FBI’s watchword since 9/11. And much has changed. Yes, the bureau has thwarted a number of plots and gotten much better at handling its terrorism portfolio. Yes, the bureau has tripled the number of intelligence analysts. And, yes, the FBI now generates thousands of pages of

intelligence reports each year.

But the silent killer of innovation in the FBI has always been culture – specifically, a century-old law enforcement culture that glorifies catching perps on a street rather than connecting dots behind a desk, that prizes agents above intelligence analysts, and that views job number one as gathering evidence of a past or ongoing crime for a day in court instead of preventing the next attack. Culture can have serious real-world consequences, coloring how talented people in the FBI do their jobs and, perhaps more importantly, what they think their jobs actually are.

Case in point: What exactly does it mean to “investigate” a terrorist suspect like Tamerlan Tsarnaev *before* an attack transpires? Sounds straightforward. It isn’t. The FBI has always been world-class at investigating a terrorist attack after the boom. Investigating before the boom is another matter.

In the FBI’s traditional law enforcement view of the world, pre-boom terrorism investigations are supposed to hunt narrowly for evidence that someone has committed a terrorist offense or is in the midst of breaking the law *right now*. In the intelligence view of the world, these investigations are supposed to search widely for information that someone could be a terrorist next month, next year, or next decade – or that they are somehow connected to others who might. These are two radically different perspectives.

Part of me would respond to her post – which, initial caveat notwithstanding, implicitly assumes every successful terrorist attack is an intelligence failure, which in turn seems to

assume that all such attacks are preventable – with Bruce Schneier’s take.

Connecting the dots in a coloring book is easy and fun. They’re right there on the page, and they’re all numbered. All you have to do is move your pencil from one dot to the next, and when you’re done, you’ve drawn a sailboat. Or a tiger. It’s so simple that 5-year-olds can do it.

But in real life, the dots can only be numbered after the fact. With the benefit of hindsight, it’s easy to draw lines from a Russian request for information to a foreign visit to some other piece of information that might have been collected.

In hindsight, we know who the bad guys are. Before the fact, there are an enormous number of potential bad guys.

How many? We don’t know. But we know that the no-fly list had 21,000 people on it last year. The Terrorist Identities Datamart Environment, also known as the watch list, has 700,000 names on it.

We have no idea how many potential “dots” the FBI, CIA, NSA and other agencies collect, but it’s easily in the millions. It’s easy to work backwards through the data and see all the obvious warning signs. But before a terrorist attack, when there are millions of dots – some important but the vast majority unimportant – uncovering plots is a lot harder.

Schneier’s always good, but this one is particularly worth reading in full. So, too, is this column about how the investigation into Tamerlan would have looked from within the FBI’s Domestic Investigations and Operations Guide, which I believe is already too lax.

But I wanted to add one thing.

Zegart offers, as proof, that the FBI was (in 2011, when it got Russia's tip on Tamerlan Tsarnaev) too focused on prosecuting post-boom rather than pre-boom, the fact that the 2008-2009 investigation into Nidal Hasan's emails to Anwar al-Awlaki only took 4 hours.

Nearly a year before the attack, the bureau learned that he was emailing Anwar al-Awlaki, the dangerous and inspirational al Qaeda cleric in Yemen who was later killed in a drone strike. Yet the FBI's investigation of Hasan took just four hours.

Set aside whether you'd want to use events that happened in 2009 as proof about the state of the FBI and "intelligence" in 2011 (particularly given the amount of second-guessing that followed both the Nidal Hasan and UndieBomber attacks, not to mention expanded use of investigative tools after the Najibullah Zazi attempt) for any argument.

I'm fascinated by the notion that we're going to measure the adequacy of follow-up on leads based on how much time FBI officers spend (especially given that we know the San Diego FBI Agents had to spend 3 hours a day monitoring the Awlaki feed just to identify leads). No one ever calculates how much that time – whatever the appropriate amount of time to follow up on such a lead would be – would add up to across the (in the case of the Awlaki feed) 1,500 potential leads a month.

Between March 2008 and November 2009, the JTTF team in San Diego reviewed over 29,000 intercepts. And the volume was growing: in earlier phases of the Hasan investigation, the San Diego team was averaging 1,420 intercepts a month; that number grew to 1,525 by the time of the Fort Hood attack. The daily average went from 65-70 intercepts a day to 70-75,

though some days the team reviewed over 130 intercepts. And while he obviously had reasons to play up the volume involved, the Analyst on the San Diego team considered it a “crushing volume” of intercepts to review.

Even assuming just one in ten intercepts required follow-up, dedicating 4 hours to that follow-up would, by itself, keep 3 Agents busy every month. And all that’s before you consider how many people just follow, rather than interact with, radical sources (as Tamerlan Tsarnaev is alleged to have done with Awlaki’s work). A fascinating JM Berger study of the al-Shabaab twitter feed found that, before it was temporarily knocked offline, it had 21,000 followers. How much time would it take the FBI to dedicate an adequate amount of time, according to Zegart, to ensure none of them go on to bomb a sporting event?

But here’s the other problem with this measure. Even as the FBI missed one guy who would go on to kill 13 people and wound 29 and another guy who would go on to kill 4 and wound hundreds, they also missed a guy who would kill 12 and wound 58 in an Aurora movie theater, as well as a guy who would kill 20 first graders and 7 adults in Newtown.

And it’s not just the first graders whose eventual killers get missed.

As far back as 2008, it was crystal clear that the emphasis on terrorism had gutted investigations into financial fraud and other crimes.

The bureau slashed its criminal investigative work force to expand its national security role after the Sept. 11 attacks, shifting more than 1,800 agents, or nearly one-third of all agents in criminal programs, to terrorism and intelligence duties. Current and former officials say the

cutbacks have left the bureau seriously exposed in investigating areas like white-collar crime, which has taken on urgent importance in recent weeks because of the nation's economic woes.

[snip]

Since 2004, F.B.I. officials have warned that mortgage fraud posed a looming threat, and the bureau has repeatedly asked the Bush administration for more money to replenish the ranks of agents handling nonterrorism investigations, according to records and interviews. But each year, the requests have been denied, with no new agents approved for financial crimes, as policy makers focused on counterterrorism.

According to previously undisclosed internal F.B.I. data, the cutbacks have been particularly severe in staffing for investigations into white-collar crimes like mortgage fraud, with a loss of 625 agents, or 36 percent of its 2001 levels.

Over all, the number of criminal cases that the F.B.I. has brought to federal prosecutors – including a wide range of crimes like drug trafficking and violent crime – dropped 26 percent in the last seven years, going from 11,029 cases to 8,187, Justice Department data showed.

Thus, even as crimes that cost the country trillions and caused millions of families to lose their homes unnecessarily developed, those of us watching in real time knew the FBI would not, perhaps could not, protect the country against such crimes.

Perhaps that was all by design (after all, Congress could have chosen to fund white collar investigators rather than give the people making billions off such crimes a series of tax cuts). President Obama is only now, with his budget



request, making minimal increases to financial crime investigations.

But ultimately, there is a limit, both financial and societal, to how much the country is willing to spend on investigative resources. So every demand that FBI take 6 hours rather than 4 in investigating 1,500 potential leads a day is also a demand that FBI shift resources from somewhere else.

And this navel-gazing, following every successful or near-miss attack, only serves to obscure the issue. We, as a society, have chosen to pursue gun crimes exclusively "post-boom." We have chosen to let financial criminals that have done far more damage than terrorism – at least in financial terms (though their crimes do have physical repercussions as well) – scot free. That may in fact be the outcome our country – or certainly the elites angling for political contributions – might want. But at the very least, we as a society need to be explicit that the choice has been made, not just to invest billions in surveillance technologies that affect us all, but to treat two brothers and their pressure cooker bombs as a far more heinous crime than school kids being gunned down in their classrooms or struggling families having their homes stolen by the million.

The "Find Every Terrorist at Any Cost Industry" is also, whether they acknowledge it or not, the "Let gunmen and banksters go free" industry. And that may well lead to more people turning to violence to address their grievances.