



To: Interested Persons

From: American Civil Liberties Union
Muslim Advocates
Muslim Public Affairs Council

Re: Analysis of the Bipartisan Policy Center report, "Assessing the Terrorist Threat"

Date: October 18, 2010

Introduction

The Bipartisan Policy Center (BPC) released a report on September 10, 2010 that raises alarm over what it calls an intensifying "domestic terrorist problem involving immigrant and indigenous Muslims as well as converts to Islam," and criticizes the government for failing to address this problem.¹ The report is methodologically and factually flawed, and its exclusive focus on Muslims as potential terrorists, particularly Muslim-Americans, raises grave implications for civil rights and religious freedom in this country. Still, it is being taken seriously by policy makers and has already been the subject of a hearing at the U.S. House of Representatives Homeland Security Committee.²

Paradoxically, while complaining that the government is ill-prepared and lacks a strategy to deal with this growing new threat, the report also cautions that over-reacting to an attempted attack can inadvertently aid the terrorists: "[i]f any attack can succeed in generating significant political and economic fallout, then there is a greater motivation for undertaking these attacks" (p. 32). Unfortunately, this compelling and pragmatic call for building resiliency in the face of terrorism is not fully developed and there are no practical recommendations regarding how to achieve this goal. Worse, it is all but drowned out by the report's alarmist language describing a cunning and diabolical global enemy that is spreading an "ideological virus" into the United States (p. 22). Its suggestion that a successful attack on aviation would have exacerbated the U.S. recession, devastated the aviation and tourism industries, and "dealt a crippling blow to Barack Obama's presidency," is directly at odds with the resiliency message and leaves little

¹ Peter Bergen and Dr. Bruce Hoffman, "Assessing the Terrorist Threat: A Report of the Bipartisan Policy Center's National Security Preparedness Group," Bipartisan Policy Center, (Sept. 10, 2010).

² Hearing before the U.S. House of Representatives, Homeland Security Committee, "The Evolving Nature of Terrorism – Nine Years After the 9/11 attacks (Sept. 15, 2010), at: <http://homeland.house.gov/Hearings/index.asp?ID=268>

room for policy makers to evaluate the problem effectively and develop thoughtful, moderated, and narrowly-tailored responses that protect both our security and our values (p. 9).

Coming as it does during a fevered and divisive national debate over the appropriateness of building mosques and Islamic cultural centers in the United States and threats to burn Korans, it is not surprising that the report's release produced such polarizing and sensationalist news headlines as, "*Report calls immigrants and domestic Muslims a terror threat in U.S.*," "*Twin Cities: Front Lines of Homegrown Terror Fight*," and "*U.S. Has 'No Strategy' to Confront Homegrown Terror, Study Finds*."³ The purpose of this review is to identify how the report's methodological and factual errors skew its analysis, so that clearer, more balanced and more effective policy outcomes can be achieved. Policy makers should examine the many government assessments, academic studies and policy papers cited in this review, but unfortunately ignored in the BPC report, to gain a more objective and balanced understanding of the terrorist threat to the United States and the appropriate responses.

Conflicting Messages

The report's authors affirm the empirical evidence showing that al Qaeda's strength and capabilities have diminished due to years of war, the loss of a safe haven and reduced support in the Muslim world, and declare that they are in fact at their weakest point since 9/11 (p.3). The long-feared possibility of terrorists using weapons of mass destruction or "dirty bombs" also appears to have been overblown, according to their analysis and testimony (p. 4).⁴ Nonetheless, the report argues that the terrorist threat to the U.S. is "intensifying" because "new" enemy tactics make al Qaeda more complex and diverse, and any one of an array of terrorist "allies" could still carry out attacks that "would kill dozens, or even hundreds, of Americans" in a single blow (executive summary). In a press conference releasing the report, one of the report's authors amplified this theme, warning that recent acts of violence involving Muslim Americans were not isolated individual events, but rather "part of a broader strategy, embraced by our

³ Phil Stewart, *Report calls immigrants and domestic Muslims a terror threat in U.S.* Washington Post, (Sept., 11, 2010), at: <http://www.washingtonpost.com/wp-dyn/content/article/2010/09/10/AR2010091006958.html>; James Walsh and Bob Von Sternberg, *Twin Cities: Front Lines of Homegrown Terror Fight*, Minneapolis Star-Tribune, (Sept. 11, 2010), at: <http://www.startribune.com/local/102623844.html>; and, *U.S. Has 'No Strategy' to Confront Homegrown Terror, Study Finds*, Fox News, (Sept. 10, 2010), at: <http://www.foxnews.com/politics/2010/09/10/strategy-confront-homegrown-terror-security-group-warns/http://www.cnsnews.com/news/article/75253>;

⁴ "Bruce Hoffman: . . . Secondly, the dirty bomb question. Two perspectives on it: As you know, when you've had Rita Katz, from the SITE Intelligence Group, testify before -- this nongovernmental entity monitors jihadi chat sites, Web rooms, communications, and so on. Interestingly, what they've found over the past few years in their own research is that terrorist interests in these unconventional weapons is actually rather small, that the vast majority of chatter, talk, plans, plotting, daydreams, and so on, is consumed with more traditional forms of attack -- the weaponry the terrorists have mastered, guns and bombs. However, that's not to say that there aren't discussions of these issues. Interestingly, dirty bombs don't figure very prominently -- at least that's the, you know, statistical, empirical evidence that they've found." Transcript of hearing before the U.S. House of Representatives, Homeland Security Committee, "The Evolving Nature of Terrorism – Nine Years After the 9/11 attacks (Sept. 15, 2010), at: <http://homeland.house.gov/Hearings/index.asp?ID=268>

adversaries, by al Qaeda and its affiliates and associates, to flood us, in essence, with multiple threats from a diverse array of adversaries.”⁵

The report encourages government officials and the public to demonstrate that we are not intimidated by terrorist violence and criticizes “overwrought media coverage” of even failed attacks. Yet the authors call the 11 terrorist incidents in 2009, which included 2 “lone wolf” attacks, 5 interdicted plots and 4 instances of Americans attempting to join or aid terrorist groups abroad (p. 34), a “watershed” that demonstrates a new al Qaeda strategy of using low-level threats designed to overwhelm our law enforcement and intelligence agencies and distract them from bigger plots (p. 18). Other researchers looking at the same data were much less sensationalistic. Rand Corporation terrorism expert Brian Michael Jenkins cautioned that while terrorism recruitment is correctly a cause of concern, the scope of the threat must be kept in perspective:

The volume of domestic terrorist activity was much greater in the 1970s than it is today. That decade saw 60 to 70 terrorist incidents, most of them bombings, on U.S. soil every year—a level of terrorist activity 15 to 20 times that seen in most of the years since 9/11, even counting foiled plots as incidents. And in the nine-year period from 1970 to 1978, 72 people died in terrorist incidents, more than five times the number killed by jihadist terrorists in the United States in the almost nine years since 9/11.⁶

Likewise, a 2010 study sponsored by the National Institute of Justice concluded that, given the relatively small number of terrorism-related incidents committed by Muslim-Americans as compared to other violent crime in the U.S., homegrown terrorism is “a serious, but limited, problem.”⁷

The BPC report further suggests, without citing any evidence, that al Qaeda has developed an “embryonic terrorist recruitment, radicalization, and operational infrastructure in the United States” (p. 4). This statement ignores the 2010 National Intelligence Estimate, which stated:

It is clear, however, that a sophisticated, organized threat from radicalized individuals and groups in the United States comparable to traditional homegrown threats in other countries has not emerged. Indeed, the elements most conducive to the development of an entrenched terrorist presence—leadership, a secure operating environment, trained operatives, and a well-developed support base—

⁵ Bruce Hoffman, transcript of Bipartisan Policy Center National Security Preparedness Group press conference, (Sept. 10, 2010), at: <http://www.bipartisanpolicy.org/sites/default/files/NSPG%20Sept%202010%20Press%20Conf%20NatI%20Press%20Club%20transcript.pdf>

⁶ Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States since 9/11*, (2010), at: http://www.rand.org/pubs/occasional_papers/2010/RAND_OP292.pdf

⁷ David Schanzer, Charles Kurzman, and Ebrahim Mooza, “Anti-terror Lessons of Muslim-Americans,” National Institute of Justice, Bureau of Justice Assistance, U.S. Department of Justice, p. 1, (Jan. 6, 2010), at: <http://fds.duke.edu/db?attachment-34--4912-view-1255>

have been lacking to date in the United States or, where they have been nascent, have been interrupted by law enforcement authorities.⁸

These more reasonable and moderate assessments of the threat are more likely to assist in establishing the public resiliency to terrorism called for in the BPC report.⁹

Though it is presented as a terrorism “threat assessment,” the BPC report reads as an advocacy paper, disdaining some policy approaches while supporting others. It cherry-picks anecdotal evidence and presents it in a misleading fashion to create the impression of a new and growing threat that must be countered. And it uses faulty logic to dismiss a counter-terrorism approach based on “root causes” in favor of an approach that assumes a psychological defect or weakness that makes certain people susceptible to terrorist “radicalization” efforts. The report’s overriding message is that the al Qaeda enemy has breached our borders by “radicalizing” Americans, and that we are vulnerable and unprepared. While our government had been focused on fighting the war on terrorism abroad, it warns in unambiguously martial language, “the new frontlines have become the streets of Bridgeport, Denver, Minneapolis, and other big and small communities across America” (p. 31). Characterizing the U.S. as a battleground will not create a resilient society.

The report offers no specific recommendations for responding to the identified problems, but it praises the increased U.S. drone attacks in Pakistan without addressing any possible negative consequences of this policy, and summarily dismisses theories that poverty and lack of education and opportunity in the developing world might serve as “root causes” of terrorism. Domestically, the report calls for the federal government to work more closely with state and local law enforcement and encourage the American public to play a “larger support role in detecting and preventing terrorist activities,” though it lacks details regarding what form this collaboration would take or how it can be accomplished. The report fails to address civil liberties issues that might arise in such counter-terrorism efforts.¹⁰

Methodological and Analytical Flaws

1. Exclusive Focus on Muslims

Though the report is titled, “Assessing the Terrorist Threat,” it focuses exclusively on terrorism-related charges involving Muslims. Other recent terrorist incidents such as the suicide attack on an Internal Revenue Service office by a tax protestor, the murder of an abortion clinic doctor by an anti-abortion activist, racist plots to assassinate President Barack Obama, the ambush-murders of Pittsburgh police officers by a white supremacist, the arrests of anti-government militia

⁸ Dennis Blair, Annual Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence (Feb. 2, 2010), at: http://www.dni.gov/testimonies/20100202_testimony.pdf

⁹ For another interesting contribution on the topic of resiliency to terrorism, see: Benjamin H. Friedman, Jim Harper and Christopher A. Preble, *Terrorizing Ourselves: Why U.S. Counterterrorism Policy is Failing and How to Fix it*, Cato Institute (2010).

¹⁰ See for example, “Entrapment or Foiling Terror: The FBI’s Reliance on Paid Informants Raises Questions About Validity of Terrorism Cases,” DemocracyNow!, (Oct. 6, 2010), at: http://www.democracynow.org/2010/10/6/entrapment_or_foiling_terror_fbis_reliance; and ACLU Spyfiles website, “Suspicious Activity Reporting,” at: <http://www.aclu.org/spy-files-suspicious-activity-reporting>

members in Michigan and attacks on the Holocaust museum, the Pentagon and a Florida mosque are completely ignored.¹¹ While the authors correctly note that there is no “ethnic, economic, educational, or social profile” among terrorists, even when examining only alleged Muslim terrorists, by focusing exclusively on Muslims they promote the false impression that all terrorists are Muslim. Indeed, Rep. Peter King adopted this false meme during the Homeland Security Committee hearing:

Also, while the report notes that the homegrown terrorists come from a variety of races and ethnic groups the fact is they were all Muslim, and that's the reality. I think we make a mistake when we somehow don't truly identify the enemy.¹²

If the BPC threat assessment included non-Muslim domestic terror incidents in its analysis, it would have provided a more accurate picture of the multi-faceted threats facing Americans today and would have countered the bigoted notion that all terrorists are Muslim.

2. Re-defining al Qaeda to include any Muslim bad actor

The report posits that al Qaeda (sometimes referred to as “al Qaeda central”) has recently changed its tactics and transformed itself into a more complex and diversified entity it calls “*Al-Qaeda and allied groups and those inspired by its ideas.*” Included in the new threat picture are such diverse groups as the Pakistan Taliban, al Shabab in Somalia, and “Uzbek militant groups,” as well as individuals the report admits could be considered mere “wannabes” and “lone gunmen” (p. 7).¹³ The authors treat this amalgam of disparate groups and individuals as one entity acting with a unity of purpose and strategy, which muddies their analysis in significant ways. Treating these groups as a single entity that is developing new tactics serves to broaden and globalize what is otherwise acknowledged to be a shrinking and weakening threat from “al Qaeda central.” This misleading framing helps to create the impression of a growing threat by including incidents with the thinnest links and most remote and tenuous associations with organized terrorist groups into a unified global conspiracy.

For instance, among the 43 American citizens and residents charged or convicted of terrorism crimes in 2009 mentioned in the report, are four people charged with plotting to blow up a New York synagogue as part an FBI sting operation. While these are unquestionably serious charges, the only alleged link to al Qaeda was through the government informant. It could hardly be

¹¹ See for example, “*Terror From the Right: 75 plots, conspiracies and racist rampages since Oklahoma City,*” Southern Poverty Law Center, (2009), at:

http://www.splcenter.org/sites/default/files/downloads/publication/terror_from_the_right_0.pdf; Barton Gellman, *The Secret World of Extreme Militias*, Time Magazine, (Sept. 30, 2010), at:

<http://www.time.com/time/nation/article/0,8599,2022516,00.html?xid=rss-mostpopular>

¹² Rep. Peter King, opening statement, hearing before the U.S. House of Representatives, Homeland Security Committee, “The Evolving Nature of Terrorism – Nine Years After the 9/11 attacks (Sept. 15, 2010), at:

<http://homeland.house.gov/Hearings/index.asp?ID=268>

¹³ Also, fully one-fourth of the 63 Americans included as “homegrown terrorists” arrested or indicted in 2009 and 2010 are 16 Somali-Americans allegedly recruited join al-Shabab in Somalia, yet the report suggests they pose little threat to the U.S.: “Given the high death rate of the Americans fighting in Somalia, as well as the considerable attention this group has received from the FBI, it is unlikely that American veterans of the Somali war pose much of a threat to the United States itself” (p. 10).

claimed that this purported plot was part of a larger al Qaeda conspiracy. And allegations that the informant offered the men as much as \$250,000 to carry out the attack raise the question of whether this could be more honestly described as a murder-for-hire case rather than an attempted act of terrorism. Two others charged in remarkably similar FBI stings in Dallas, Texas and Springfield, Illinois are also included in the sample, despite the authors' admission that the plots were "far-fetched" and these individuals were "inspired to engage in terrorist attacks completely on their own" (p. 5). Remarkably, these last two cases are later included in the report's list of five "serious plots" (p. 33). With thankfully small numbers of terrorism-related incidents each year, the inclusion of just a handful of cases that cannot reasonably be linked to a true al Qaeda conspiracy can significantly skew the analysis.

3. Alleging an increase in terrorism-related incidents without providing comparative data

The most glaring analytical flaw in the report is the failure to include any comparative data to support its claims. The report alleges "a key shift in the past couple of years" in which higher numbers of U.S. citizens are attaching themselves to "al Qaeda and aligned groups" and playing an "increasingly prominent role in planning and operations." Yet the report provides no data to support this claim.

The only data provided in the report is a list of 43 U.S. citizens or residents charged or convicted in terrorism-related incidents in 2009, and 20 more from January 1 through September 10, 2010 (which would seem to indicate a slightly downward trend statistically). The report states that 2009 was a "watershed" year for terrorist plots and attacks against the U.S., "with a record total of 11 jihadist attacks, jihadist-inspired plots, or efforts by Americans to travel overseas to obtain terrorist training," but again no comparative data is provided.

Available evidence from other sources is illuminating. Data published by the Department of Justice and analyzed by the Transactional Records Access Clearinghouse (TRAC) shows a sharp rise in international terrorism prosecutions in 2002, followed by a marked downward trend and leveling off through June 2010. Federal prosecutions in this category from June 2009 to June 2010 are down 53.3% from 2005 levels.¹⁴

¹⁴ The Department of Justice Executive Office of the United States Attorneys (EOUSA) defines the program category of "international terrorism" to include threats or conspiracies to engage in violent or otherwise dangerous acts intended to coerce, intimidate or retaliate against a government or civilian population which occur outside the U.S., transcend international borders, or involve a foreign terrorist organization such as al Qaeda. Though the Department of Justice designations of terrorism prosecutions have been inconsistent, the EOUSA would likely characterize most, if not all of the incidents described in the BPC report as "international" terrorism matters due to the reported connections to al Qaeda or other international terrorist organizations. See, "Who is a Terrorist? Government Failure to Define Terrorism Undermines Enforcement, Puts Civil Liberties at Risk," TRAC Reports, (Sept 28, 2009), at: <http://trac.syr.edu/tracreports/terrorism/215/>; and, U.S. Department of Justice Inspector General, *The Department of Justice's Internal Controls Over Terrorism Reporting*, Audit Report 07-20, (Feb. 2007), at: <http://www.justice.gov/oig/reports/plus/a0720/final.pdf>

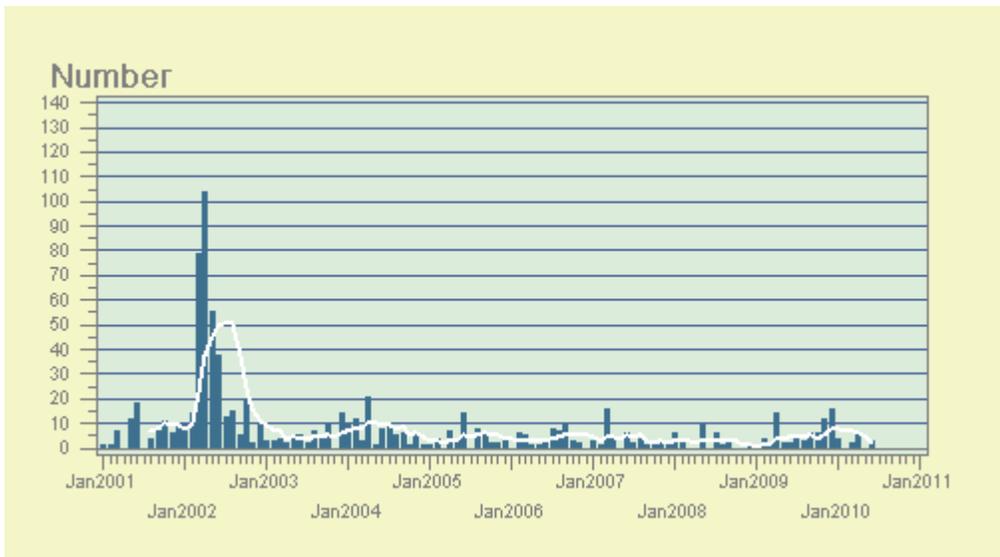


Figure 1: Monthly trends in terrorism-international prosecutions (TRAC)¹⁵

While it is important to note that the number of terrorism prosecutions in a given year do not necessarily represent an increase or decrease in terrorism incidents for that particular year, as explained below, the prosecution rates over the past ten years do not support the authors' claims regarding a sharp increase in terrorism incidents in 2009 and 2010 over previous years.

4. Using dates of arrests and indictments to paint a potentially misleading impression of increasing terrorist activity in a given year

Another methodological flaw in the BPC analysis is the use of dates of arrests and indictments in the tally of terrorism-related incidents for a given year as evidence of increasing terrorist activity during that year. In conducting a comparative analysis of annual terrorist activity, it is important to understand that arrests and indictments in any particular year might result from illegal activity that took place many years earlier, or extended over a long period of time. Including this data in a manner that suggests the terrorist activity in question actually took place in the year of arrest and indictment, and then arguing the data represents an increase in the number of terrorist incidents over previous years, can be highly misleading. David Headley, for example, is included in the report's 2009 totals due to his indictment date, but he attended Lashkar-e-Taiba training camps in 2002 and 2003 and participated in a conspiracy beginning in 2005 which culminated in terrorist attacks in Mumbai, India in 2008. If the intent of the report is to describe terrorist recruitment in the U.S., Headley would be more appropriately included in 2002 figures rather than 2009.

This point is emphasized in a "Terrorist Trial Report Card" published by the Center on Law and Security at the New York University School of Law (CLS) in September 2010.¹⁶ In analyzing

¹⁵ Terrorism – International Prosecutions for June 2010, TRAC Reports, at: <http://trac.syr.edu/tracreports/bulletins/intterror/monthlyjun10/fil/>

¹⁶ The Center on Law and Security, "Terrorist Trial Report Card: September 11, 2001 – September 11, 2010," New York University School of Law, (2010), at: <http://files.e2ma.net/36219/assets/docs/ttrcseptember15th2010.pdf>

156 defendants in what it characterized as the “top 50 plots” since 9/11, CLS reported “a slight spike” in the number of “homegrown” defendants over the last year.¹⁷ But it cautioned that the number may not represent an actual increase in homegrown terrorists, as the length of time the government investigates a case before indictment obscures when the charged activity took place. CLS references Tarek Mehanna and Ahmad Abousamra, who began plotting to join a terrorist group in 2002 but were not charged until 2009, and Daniel Boyd, who joined the Afghan mujahedeen in resisting Soviet occupation two decades before his 2009 indictment. All three of these individuals are included in the BCP report tally for 2009. With such small numbers of terrorism incidents each year, the addition or removal of just a few has a significant impact on the year-by-year statistical comparisons.

Despite these methodological flaws, policy makers are repeating the report’s claims regarding an increase in terrorism in an exaggerated fashion. For example, Senator Joseph Lieberman opened a September 22, 2010 Senate Homeland Security Committee hearing with the statement, “Since our last threat assessment hearing a year ago, it’s clear that there has been a marked increase in Islamist terrorist attacks against us here at home.”¹⁸ At the same hearing Senator Susan Collins cited the BPC report often, and declared that, “We have seen a dramatic spike in the number of attempted and successful attacks during the past year and a half.”¹⁹

These reactions, while completely understandable given the report’s dire tone, drive the sort of sensationalized media coverage that the authors suggest empowers the terrorists (p. 20).

5. Alleging a psychological profile of terrorists without providing any supporting evidence

The report also alleges that while no racial, ethnic or socio-economic profile of these terrorists exists, “the only common denominator” is:

...hatred for [the U.S.], a degree of dangerous malleability, and a religious fervor justifying or legitimizing violence that impels these very impressionable and perhaps easily influenced individuals toward potentially lethal acts of violence (p. 31).

The report cites no psychological studies or interviews of alleged terrorists to support this conclusion. It also ignores the many empirical studies that have found no significant psychological defect among terrorists. For instance, psychiatrist and former CIA officer Marc Sageman studied over 500 Muslim terrorists and found less than 1% exhibited any hint of mental

¹⁷ *Id.*, at 17.

¹⁸ Senator Joseph Lieberman, hearing before the United States Senate Homeland Security and Government Affairs Committee, “*Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland*,” (Sept. 22, 2010), at: http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=cce57fcf-d306-4267-916f-cea769958142

¹⁹ Senator Susan Collins, hearing before the United States Senate Homeland Security and Government Affairs Committee, “*Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland*,” (Sept. 22, 2010), at: http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=cce57fcf-d306-4267-916f-cea769958142

illness.²⁰ He also found no evidence of “brainwashing” by terrorist recruiters that this and other passages from the report seem to suggest.²¹ Sageman’s scientific approach identified factors such as moral outrage at apparent crimes against Muslims, perception of a war against Islam, and personal experience with discrimination as the most prevalent motivations for terrorists, rather than religion.

In fact, the only time the report discusses a potential terrorist’s motives in any detail at all is in a separate discussion of failed Times Square bomber Faisal Shahzad. The authors quote Shahzad’s courtroom statements citing the U.S. wars in Iraq, Afghanistan and other Muslim lands as justification for his resort to violence. The report notes Shahzad’s specific mention of the collateral damage from the U.S. drone attacks – attacks that the report otherwise lauds:

Americans, Shahzad explained, “don’t see the drones killing children in Afghanistan... [They] only care about their people, but they don’t care about the people elsewhere in the world when they die.” (p. 24)

This evidence seems to support the “root causes” argument the authors summarily dismiss earlier in the report. Indeed, empirical confirmation of this proposition can be found in evidence collected by Professor Robert Pape of the University of Chicago, who examined almost 2,200 suicide terrorist attacks worldwide from 1980 to 2009 and concluded that military occupation of a disputed territory is the primary factor motivating suicide terrorism, not religion or ideology. Once again, the BPC report simply ignores this evidence.²²

The report summarily rejects such a “root causes” approach to terrorism studies. First, the report sets up a straw-man by suggesting that poverty and lack of education are the only “root causes” proponents of the theory hypothesize, when clearly they are not. It then suggests that because many terrorist are not poor or uneducated, these factors cannot be causes (p. 15). By the same faulty logic John Brown could not have acted in opposition to slavery because he was not black and not a slave, and Tim McVeigh could not have been inspired to violence by the Waco tragedy because he was not a Branch Davidian. This argument ignores the fact that people often act to relieve or revenge a perceived injustice against others, regardless of whether they are part of the oppressed class themselves. Needless to say, to identify root causes is not to accept that those causes are legitimate grounds for terrorism or other unlawful activity. But by failing to examine the entire range of factors that might contribute to an individual’s decision to engage in violence and instead assuming in contravention to available evidence that religious belief and ideology is the principal cause of terrorism, the report obfuscates rather than informs.

²⁰ Marc Sageman, *Leaderless Jihad*, University of Pennsylvania Press, (2008).

²¹ *Id.*, p 70. The BPC report makes several remarks which seem to suggest a form of brainwashing is being performed by terrorism recruiters spreading an “ideological virus” (p. 22). For example, in the report’s discussion of the terrorist group al-Shabab the authors’ suggest that, “the group has managed to plant al Qaeda-like ideas into the heads of even its American recruits” (p. 10). Elsewhere the report claims al Qaeda has established a recruitment “infrastructure” in the U.S., which allows them to “co-opt American citizens in the broader global al-Qaeda battlefield” (p. 5).

²² Robert Pape, *Cutting the Fuse*, University of Chicago Press, (2010).

Flawed Factual Claims

In addition to the methodological flaws, the BPC report makes several statements and claims that are easily contradicted by publicly available information.

1. Misleading claim that the majority of Muslims are “silent” on extremism and terrorism

The report correctly notes that Muslims are often victims of terrorism and that the majority of Muslims around the world do not support al Qaeda’s vision of “Taliban-style theocracies stretching from Indonesia to Morocco” (p. 23). Unfortunately, the report refers to this multitude as a “silent” majority, perpetuating an often reported – but demonstratively false – claim that the Muslim community has not and does not speak out against extremism and terrorism. In fact Muslims in the U.S. and around the world have clearly and repeatedly denounced extremism and violence of all kinds, and this information is readily available.²³

2. Misleading claims that al Qaeda’s tactics represent a new strategy

One of these misleading claims is that al Qaeda is employing “new” tactics in its ongoing war against the United States. As stated earlier, the report alleges that Americans are increasingly playing an operational and leadership role in al Qaeda and aligned groups, and that this marks “key shift ... since around the time President Barak Obama took office” (p. 14). The only anecdotal evidence offered in support of this claim is the statement that, “there is little precedent” for the high-level operational roles that Americans are currently playing in al-Qaeda and affiliated groups other than the case of Ali Mohamed, an Egyptian-American former U.S. Army sergeant who was a key military trainer for al-Qaeda during the 1990s” (p. 14). But other prominent examples include American citizens El Sayyid Nosair (Egyptian-American),²⁴ convicted of shooting a U.S. Postal Inspector after the 1990 assassination of Rabbi Meir Kahane; Clement Rodney Hampton-El (African-American), convicted in the 1993 New York “landmarks” bombing plot; Wahid el Hage (Lebanese-American), convicted in the 1998 U.S. embassies bombings in east Africa; and Adam Gadahn (European-American) and Jose Padilla (Hispanic-American), who allegedly joined al Qaeda before 9/11, to name just a few.

The report discusses long-time U.S. resident Adnan El Shukrijumah’s (Guyanese) alleged role in the 2010 attempt to bomb the New York subway. But his involvement with al Qaeda reportedly dates back to the 1990s and he has been wanted by the FBI for his suspected involvement in terrorism since 2003, so his al Qaeda role could hardly be considered “new.” In the same vein, report highlights a number of Americans who recently traveled to Pakistan and Somalia, allegedly to receive terrorist training, and individuals who have fallen for FBI sting operations. But these are not new phenomena either, as the “Lackawanna 6” (Yemeni-Americans who travelled to Afghanistan in 2000) the “Portland 7” (African-Americans who tried to go to

²³ For a compendium of articles and statements see, *Muslim Voices Against Extremism and Terrorism*, The American Muslim , at:

http://theamericanmuslim.org/tam.php/features/articles/muslim_voices_against_extremism_and_terrorism_2/

²⁴ The BPC report uses these broad “ethnicity” descriptors in describing American citizens and residents involved in terrorism in the U.S. or abroad, so they are used here simply to facilitate the comparison to the data presented.

Afghanistan in 2002), Yehuda Abraham (Jewish-American arrested with two foreign nationals in a 2003 FBI plot to sell missiles to fake Somali “jihadists”), the “Liberty City 7” (African-Americans and Caribbean-Americans arrested in a 2006 FBI sting), and the “Ft. Dix 6” (Albanian-Americans arrested in a 2007 FBI sting) cases all attest. All of these counter-examples, and others, are simply ignored in the report. Moreover, the CLS Terrorism Trial Report Card makes clear that since 9/11, “homegrown terrorism defendants have been a constant presence in high-profile terrorism prosecutions.”²⁵

The BPC report also alleges an increasing ethnic and racial “diversification” of the threat, but as the racial and ethnic descriptions of these earlier examples demonstrate, diversity among terrorists is not a new phenomenon, even when using only Muslim-American examples in the sample.

Finally, the report alleges that al Qaeda’s ideological influence among other “jihadist” groups and “lone wolves” is on the rise, which increases the diversity and intensity of the threat to the U.S. This “emerging pattern of terrorism,” a strategy which al Qaeda “pushed” on other groups according to the report, is designed to wear the U.S. down economically by overwhelming, distracting and exhausting us with low-level, “lone wolf” attacks (p. 24). But terrorism experts have noted terrorist groups putting this concept to work since Ku Klux Klan leader Louis Beam published an essay called “Leaderless Resistance” in 1983, and have described al Qaeda’s purported use of the technique at least as early as 2002. In fact, BCP report co-author Peter Bergen was quoted in a CNN interview shortly after the 2002 Bali, Indonesia nightclub attacks:

I think that what we're seeing this week -- this is the first time, if indeed this is linked to al Qaeda, that they've attacked tourists. And if you take this together with the attack on the Yemen tanker -- the oil tanker in Yemen -- it represents, I think, a shift in al Qaeda's tactics to really attack economic targets... There's a phenomenon called leaderless resistance, which the right-wing militia movement in [the United States] developed. I think we're seeing a bit of that with al Qaeda now. Recently, there was a couple arrested in Germany, apparently planning to attack the American military base in Heidelberg. They have absolutely no relationship with al Qaeda. Allegedly, they were planning to attack this American military base.²⁶

Co-author Bruce Hoffman pressed a similar theme in a Christian Science Monitor article after the 2003 arrest of an Afghani-American cab driver in New York who was alleged to have tried to buy explosives from an FBI undercover agent (this case is also omitted from the BCP analysis): “You don't have to be part of Al Qaeda's A-team to still contribute to the movement and further Al Qaeda's goals.”²⁷ He wrote in more detail about this phenomenon in testimony in the U.S.

²⁵ The Center on Law and Security, “Terrorist Trial Report Card: September 11, 2001 – September 11, 2010,” New York University School of Law, p. 17, (2010), at:

<http://files.e2ma.net/36219/assets/docs/ttrcseptember15th2010.pdf>

²⁶ Peter Bergen: Al Qaeda Shifting Tactics?, CNN, (Oct. 13, 2002), at: http://articles.cnn.com/2002-10-13/world/otsc.bergen_1_al-qaeda-ayman-bin?_s=PM:asiapcf

²⁷ Alexandra Marks, “‘Lone Wolves’ pose explosive terror threat,” Christian Science Monitor, (May 27, 2003), at: <http://www.csmonitor.com/2003/0527/p02s02-usju.html>

House of Representative on February 16, 2006, using remarkably similar language to that in the BPC report.²⁸ Dr. Hoffman described the al Qaeda threat as consisting of four separate dimensions, with descending capabilities: al Qaeda central; al Qaeda associates and affiliates; al Qaeda locals; and the al Qaeda network. He described this structure as a new evolution which required a new counter-terrorism strategy:

The adversaries and the threats we face today, however, are much more elusive and complicated to be vanquished by mere decapitation. Moreover, what worked for the U.S. during the initial operations of the war on terrorism in 2001 and 2002 – when we faced a differently configured and structured al Qaeda, for instance, and before the intensification of the insurgency in Iraq – will likely not prove as effective given the recent changes and evolution we have witnessed in both.²⁹

3. Misleading claims about government counterterrorism efforts

The report says that there is “no federal government agency or department specifically charged with identifying radicalization and interdicting the recruitment of U.S. citizens or residents from terrorism” (p29). This is simply wrong. The FBI’s primary mission is to prevent terrorism and these elements fall squarely within that mission. In fact, the FBI produced a radicalization study focusing exclusively on Muslim terrorism in 2006.³⁰ Its analysis of radicalization as a four-step process was adopted without attribution in a controversial 2007 New York Police Department radicalization study.³¹

In written testimony to the Senate Homeland Security Committee, FBI Director Robert Mueller said, “The FBI is also collaborating with DHS to issue joint intelligence products on

²⁸ Bruce Hoffman, testimony before the U.S. House of Representatives, Committee on Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities, (Feb. 16, 2006), at: http://www.rand.org/pubs/testimonies/2006/RAND_CT255.pdf

²⁹ Id., p. 13.

³⁰ Federal Bureau of Investigation, *The Radicalization Process: From Conversion to Jihad*, (May 10, 2006), at: <http://cryptome.org/fbi-jihad.pdf>

³¹ Mitchell Silber and Arvin Bhatt, New York Police Department, *Radicalization in the West: The Homegrown Threat*, p. 6, (2007). The NYPD report drew quick condemnation from the civil liberties and Muslim communities. The Brennan Center for Justice issued a memo complaining of the report’s “foreseeable stigmatizing effect, and its inferential but unavoidable advocacy of racial and religious profiling.” Aziz Huq, “Concerns with Mitchell D. Silber and Arvin Bhatt, N.Y. Police Dep’t, *Radicalization in the West: The Homegrown Threat*,” New York University School of Law, Brennan Center for Justice, (Aug. 30, 2007), at: http://brennan.3cdn.net/436ea44aae969ab3c5_sbm6vtxgi.pdf. See also, *Coalition Memo to the Senate Committee on Homeland Security and Governmental Affairs Regarding “Homegrown Terrorism,”* American Civil Liberties Union et al. (May 7, 2008) available at <http://www.aclu.org/safefree/general/35209leg20080507.html>. New York City Muslim and Arab community leaders formed a coalition in response to the NYPD report and issued a detailed analysis criticizing the NYPD for wrongfully “positing a direct causal relation between Islam and terrorism such that expressions of faith are equated with signs of danger,” and potentially putting millions of Muslims at risk. Muslim American Civil Liberties Coalition, *Counterterrorism Policy: MACLC’s Critique of the NYPD’s Report on Homegrown Terrorism*, (2008), at: <http://maclcnypdcritique.files.wordpress.com/2008/11/counterterrorism-policy-final-paper3.pdf>.

radicalization to federal, state, local, and tribal law enforcement personnel.”³² At the same hearing, NCTC Director Michael Leiter highlighted information sharing policies and procedures designed,

...to ensure that shared information is transformed into situational awareness for public safety officials at all levels to enhance their capabilities to quickly recognize and effectively respond to suspected terrorism and radicalization activities; and into actionable intelligence that can be used by Federal, state, tribal, and local law enforcement – as well as by those segments of the private sector that operate or own critical infrastructure and key resources – to protect the United States against terrorism, to enforce our laws, and to simultaneously protect our privacy and preserve our liberties.³³

Also, in June 2008 the National Counter Terrorism Center (NCTC) hosted a conference entitled, “Toward a Domestic Counterradicalization Strategy.” According to the conference report published in August, 2008:

The conference brought together representatives involved in counterradicalization from across the British Government, US intelligence analysts, government civil rights lawyers, officials involved in community outreach, local government officials and law enforcement, and Muslim Americans from different backgrounds. As part of NCTC’s effort to incorporate Muslim voices into the government’s understanding of counterterrorism issues, Muslim Americans constituted more than one third of the participants.³⁴

Such high-level attention to the issue and outreach to state and local law enforcement and the public is exactly what the BPC report claims are lacking in current counter-terrorism policy. The report cites no authority for this claim except one unnamed “senior intelligence analyst” (p. 29). The report also refers to a “conventional wisdom” that America was “immune” from radicalization and that “our long-held belief that homegrown terrorism couldn’t happen here,” without identifying a single person who made such claims³⁵ or taking into account the many

³² Robert Mueller, testimony before the United States Senate Homeland Security and Government Affairs Committee, “*Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland*,” (Sept. 22, 2010), at: http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=cce57fcf-d306-4267-916f-cea769958142

³³ Michael Leiter, testimony before the United States Senate Homeland Security and Government Affairs Committee, “*Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland*,” (Sept. 22, 2010), at: http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=cce57fcf-d306-4267-916f-cea769958142

³⁴ National Counterterrorism Center Conference Report, *Towards a Domestic Counterradicalization Strategy*, (August 2008).

³⁵ Oddly, the three articles cited in a footnote at this portion of the report all reference significant concerns about, and even violence directed at, the U.S. Muslim population See: “*America’s Muslims after 9/11*,” VOAnews.com, 10 September 2006 accessed at: <http://www.voanews.com/english/news/news-analysis/a-13-Muslims2006-09-10-voa17.html>; “*Overview of Muslims in America*,” PBS series, “*The Muslims in America*,” accessed at: http://www.pbs.org/weta/crossroads/about/show_muslim_americans.html#top; and, “Pew Study Sees Muslim

terrorism arrests for U.S.-based plots both before and after 9/11, many of which included Americans (p. 29, 30). Indeed, the numerous cases cited in the report to suggest a rise in U.S. terrorism are almost all cases where the U.S. government interdicted the threat, made arrests and obtained convictions of American terrorists. Erroneous claims that the government is not addressing the terrorist threat promote an artificial imperative for policymakers to act. Senator Susan Collins internalized the report's urgent message in arguing that,

We must redouble our efforts to better anticipate, analyze and prepare. We must address what is quickly becoming a daunting and highly challenging crisis. This dangerous reality must be met with better security measures, innovative community outreach, and enhanced information sharing. Most of all, we cannot risk another failure of imagination.³⁶

Advocacy Disguised as Assessment

Contrary to the report's implication, there is no shortage of studies attempting to determine how and why someone becomes a terrorist.³⁷ During the wave of anarchist violence that swept across the nation after World War I, the New York State Legislature's Joint Legislative Committee to Investigate Seditious Activities (commonly referred to as the Lusk Committee) conducted a two-year investigation into the spread of radical ideas and produced a 4,000 page report, *Revolutionary Radicalism: Its History, Purpose and Tactics with an Exposition and Discussion of the Steps being Taken and Required to Curb It*, which "smeared liberals, pacifists, and civil libertarians as agents of international Communism."³⁸ Ever since there has been a vigorous debate among researchers and scholars about why some people choose illegal violence as a means to a political or social end, and what the methods the government and society should use in responding to it.

Competing schools of thought on the causes of terrorism have developed over the years, and it is clear the BPC report authors prefer an approach that focuses on religious and ideological belief systems, and groups of individuals thought to be unnaturally susceptible to the influences of charismatic terrorist leaders who seek to "radicalize" them. The authors are both experienced and well-respected in their fields of study, and their opinions deserve attention. Unfortunately, rather than debate the different policy approaches on the merits, they have produced an inflammatory and flawed report that misleads more than it illuminates.

Americans Assimilating," Barbara Bradley Hagerty, National Public Radio, "All Things Considered," 22 May 2007 accessed at: <http://www.npr.org/templates/story/story.php?storyId=10330400>

³⁶ Susan Collins, opening statement, hearing of the United States Senate Homeland Security and Government Affairs Committee, "Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland," (Sept. 22, 2010), at: http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=cce57fcf-d306-4267-916f-cea769958142

³⁷ The Combating Terrorism Center at the United States Military Academy published a two-volume, 384-page, annotated bibliography of terrorism studies that is available here: <http://www.teachingterror.net/bibliography/index.htm>

³⁸ Samuel Walker, *In Defense of American Liberties: A History of the ACLU*, Oxford, (1990) p. 16.

Conclusion

The danger posed by terrorists is real and our government must understand the scope and nature of the threat and respond in a manner that is effective in protecting both our security and our values. But that includes listening to a host of different opinions and voices. For instance, the United Kingdom House of Commons released a critique of a British counter-radicalization program, *Prevent*, which appears similar to the remedies BPC report calls for. Its conclusions highlight the problems with the BPC approach:

The single focus on Muslims in *Prevent* has been unhelpful. We conclude that any programme which focuses solely on one section of a community is stigmatising, potentially alienating, and fails to address the fact that that no section of a population exists in isolation from others... Regarding the Government's analysis of the factors which lead people to become involved in violent extremism, we conclude that there has been a pre-occupation with the theological basis of radicalisation, when the evidence seems to indicate that politics, policy and socio-economics may be more important factors in the process.³⁹

Building a resilient society will require renewing our commitment to protecting American traditions of liberty, tolerance and individual rights in the knowledge that while domestic threats may continue to exist, they are generally of a smaller scale than more sensationalistic assessments would suggest. Congress must exercise its oversight authority to hold our military, law enforcement and intelligence agencies accountable to the public they serve, and craft sensible legislation that enhances security while protecting the rights of innocent persons. The question is not whether our government should respond to terrorism but how it should respond. History tells us that conflating the expression of unorthodox or even hostile beliefs with threats to security only misdirects resources, unnecessarily violates the rights of the innocent, and unjustly alienates communities unfairly targeted as suspicious. As Justice Brandeis argued,

Fear of serious injury cannot alone justify suppression of free speech and assembly. Men feared witches and burnt women. It is the function of speech to free men from the bondage of irrational fears."⁴⁰

Protecting religious freedom in America will both honor our values and keep us safe.

³⁹ United Kingdom House of Commons, Communities and Local Government Committee, "Preventing Violent Extremism," Sixth Report of Session 2009-2010, (Mar. 16, 2010), at:

<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/65.pdf> .

⁴⁰ *Whitney v. California*, [274 U.S. 357](#), 376, (1927), (Brandeis, J., Concurring).