



National Security Program
Homeland Security Project



2014: Jihadist Terrorism and Other Unconventional Threats

September 2014



BIPARTISAN POLICY CENTER

ACKNOWLEDGMENTS

The authors would like to thank the Bipartisan Policy Center's Homeland Security Project Co-chairs Lee Hamilton and Thomas Kean, and its director, Carie Lemack, for the opportunity to write this report and its advisor, Michael Hurley, for his review. The team also wants to thank New America interns Haley Parsons and Ritika Katyal for their research support.

This (publication) was made possible (in part) by a grant from Carnegie Corporation of New York. The statements made and views expressed are solely the responsibility of the authors.

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Executive Summary

Thirteen years after 9/11, al-Qaeda has not successfully conducted another attack inside the United States, nor has it conducted any attacks in the West since the bombings on London's transportation system in 2005. Although individuals inspired by al-Qaeda's ideology have killed 21 people in the United States since September 2001, a mass-casualty terrorist attack in the United States on the scale of 9/11 is quite unlikely. While each of these deaths is a tragedy, this is nothing like the catastrophic loss of life on 9/11. Al-Qaeda's leadership has been devastated, and the organization has lost its sanctuary in Afghanistan. Facing destruction, the core al-Qaeda group in Pakistan lacks control over much of the al-Qaeda network and has few means to control the behavior of its affiliates as demonstrated by the Islamic State in Iraq and Syria, which publicly rejected any control by the al-Qaeda core and was formally dismissed from the al-Qaeda network in early 2014.

A number of al-Qaeda-affiliated groups have suffered serious battlefield losses in the past three years. For instance, al-Shabaab once controlled much of Somalia and now it does not; al-Qaeda in the Islamic Maghreb once controlled half of Mali and now it does not; al-Qaeda in the Arabian Peninsula once controlled large chunks of southern Yemen and now it does not; and Jemaah Islamiya once had the capacity to carry out large-scale terrorist attacks in much of Southeast Asia and now it does not. On the other hand, the Islamic State made unprecedented territorial gains in Iraq and Syria, and now it and the al-Qaeda-affiliated Jabhat al-Nusra control more territory in the Arab world than at any time in the history of the modern jihadist movement.

While the core al-Qaeda group that struck the United States on 9/11 has been decimated in recent years, its affiliates and associated groups have diffused throughout the greater Middle East. They now have a presence in 16 countries, more countries than they did half a decade ago. Al-Shabaab's 2013 attack on the Westgate mall in Nairobi,

Kenya, and the 2012 attack by local militants on the U.S. consulate in Benghazi, Libya, demonstrate that even relatively weak terrorist organizations can pull off deadly attacks against local targets. The civil wars in Syria and Iraq (in reality, a regional civil war) and increasing sectarianism across the region have reinvigorated jihadist movements, while the demise of democratic Islamism in Egypt risks creating an Islamist insurgency in a country important to U.S. interests. It is not clear, however, that the diffusion of al-Qaeda-like groups and roiling instability in the Arab world will translate into terrorist attacks against the United States itself, although attacks against American interests overseas will surely remain quite likely.

The spread of al-Qaeda's ideology combined with new media technologies will continue to foster "homegrown" jihadist extremism. Several incidents—for instance, the 2013 Boston Marathon bombings—demonstrate how jihadist websites can help spawn homegrown terrorism, but on the whole, the threat from homegrown extremists is relatively limited.

Although there are an estimated 100 Americans who have joined or who have attempted to join the fight in Syria as foreign fighters, causing government officials to worry that some might return to the United States to carry out attacks, this has yet to occur. And it may never occur given the similar exodus of more than 40 Americans who fought in Somalia from 2007 onward alongside the al-Qaeda affiliate there, many of whom died on the battlefield and those who did return to the United States did not engage in terrorist plotting. As of early September, while the U.S. government regards the potential threat from ISIS as serious, according to the chairman of the Joint Chiefs of Staff, the U.S. knows of no specific, credible threat from ISIS to the homeland. It's also worth noting that in none of the successful terrorist attacks in the United States since 9/11, such as the 2013 Boston Marathon bombings or Major Nidal Hasan's massacre at Fort Hood, Texas, in 2009, did any of the convicted or alleged perpetrators receive training overseas.

The willingness of Muslim communities to report suspicious activity, increased awareness by the public at large, and a massive law enforcement effort have made the United States a much harder target than it was on 9/11.

In this changed environment, the United States must begin to address a number of questions regarding the sustainability of its counterterrorism efforts. The U.S. government's mass collection of Americans' phone data conducted in secret has undermined trust in the government. And while the use of armed drones, has been essential to U.S. counterterrorism efforts abroad, America's preeminence in the field is now challenged by the proliferation of drone technology: some 80 countries now have drone capabilities, according to a count by New America. The norms and rules the United States sets now regarding the targeted killing of terrorists will have important consequences should they be adopted by other countries that now possess armed drones, such as China and Russia. These consequences will be compounded when non-state actors obtain drone capabilities; the Islamic State and Hamas have already reportedly used drones.¹

In addition, new technologies will continue to change the global threatscape and the United States must prepare for this. The use of social media during terrorist attacks to incite and engage with followers and report to the media, as happened during the 2013 Westgate mall attack in Kenya, is a new phenomenon, changing traditional notions of how terrorist groups communicate and organize. Recent advances in biological sciences, for instance, raise concerns about the potential for the wider use of biological weapons.

In addition to the risk posed by the creation and spread of deadly diseases, instability in the Middle East could result in the chemical weapons held by some states, notably Syria, being acquired by terrorist organizations.

The past decade has witnessed debates over the nature of the threat posed by cyberterrorism and cyber warfare. In 2009, after years of debate over cyberterrorism post-9/11, a working group on the use of the Internet for terrorist purposes under the auspices of the U.N. Security Council concluded, "[T]here is not yet an obvious terrorist threat in the area."² Cybersecurity is a serious policy issue and the risks of cyber attacks on critical infrastructure require more attention.

Next, this paper will consider the diminishing threat from the al-Qaeda core, the diffusion around the Muslim world of al-Qaeda-like groups, and the status of the "homegrown" threat in the United States. We will also examine likely targets for jihadist militant groups and "wild cards," such as the trajectories of the Syrian and Iraqi civil wars, that can influence the future direction of the jihadist movement. And we will examine other unconventional threats, such as cyber attacks and chemical and biological weaponry. Finally, we will examine the issues of drone proliferation and what that could mean for U.S. policy and international law, the status of the Authorization for the Use of Military Force that authorized U.S. operations against al-Qaeda after 9/11, and the proper role of the National Security Agency in combatting terrorism.



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Chapter 1: The Diminishing Threat from Al-Qaeda

Thirteen years after the 9/11 attacks, al-Qaeda has failed to conduct a single attack inside the United States. (It has also not successfully conducted an attack anywhere in the West since the 2005 attacks on London's transportation system.) The main reasons for al-Qaeda's inability to strike the United States are increased defensive measures at home, better intelligence-sharing, and ongoing offensive campaigns against al-Qaeda and its associated forces abroad.

U.S. Defensive Measures Since 9/11

One of the primary causes of al-Qaeda's inability to successfully strike the West is that the United States and its European allies have learned the lessons of previous attacks and improved their homeland security efforts.³ For example, on 9/11, there were 16 people on the U.S. "no fly" list.⁴ Today, there are more than 40,000.⁵ In 2001, there were 32 Joint Terrorism Task Force "fusion centers," where multiple law enforcement agencies work together to chase down leads and build terrorism cases.⁶ Now there are 103.⁷ A decade ago, the U.S. Department of Homeland Security, National Counterterrorism Center, Transportation Security Administration, Northern Command, and Cyber Command didn't exist. In 2014, all of these new post-9/11 institutions make it much harder for terrorists to operate in the United States.

The U.S. intelligence budget also grew dramatically after 9/11, with Congress giving the government substantial resources with which to improve its counterterrorism capabilities. In 2013, the United States allocated \$72 billion to intelligence collection and other covert activities.⁸ Before 9/11, the budget was around a third of that figure: \$26 billion.⁹

Prior to 9/11, the law enforcement community demonstrated little interest in investigating or prosecuting individuals who traveled abroad to fight in an overseas jihad.^{10,11} Today, the FBI considers such persons to be a concern and attempts to track their activities.¹²

In addition to the increased federal investment, greater public awareness of the danger posed by terrorism has also made the United States a harder target. Passengers tackled Umar Farouk Abdulmutallab, the "underwear bomber," on Christmas Day in 2009 as he tried to detonate a bomb on Northwest Flight 253 as it flew over Detroit. Tips from family members, local Muslim communities, and reports from the public regarding suspicious activity have also constrained terrorists.

But this does not suggest that a significant attack is impossible. There have been close calls, including the "underwear bomber" and a May 1, 2010, incident when a street vendor spotted a bomb-laden SUV parked in Times Square by Faisal Shahzad. Luckily, that bomb failed to detonate. However, these failures have encouraged the United States to further develop and improve its security precautions; for example, the plot by Abdulmutallab sparked a major review of security efforts, which led to better information-sharing protocols.¹³

U.S. Offensive Measures Since 9/11

The United States not only improved its defensive measures following 9/11, it also engaged in a series of offensive operations that have decimated the core al-Qaeda organization. Military action in Afghanistan deprived al-Qaeda of its safe haven. The overthrow of al-Qaeda's Taliban hosts was a joint CIA-Special Operations Forces campaign. Prior to 9/11, Special Operations Forces were rarely deployed against al-Qaeda and allied groups.¹⁴ In recent years, they have performed some dozen operations every day in Afghanistan, as well as missions in other countries, such as Iraq, Yemen, and Somalia.^{15,16,17} And on May 2, 2011, U.S. Special Operations Forces killed Osama bin Laden in Abbottabad, Pakistan.

The United States also increased its use of drones to conduct targeted killings of al-Qaeda leaders, operations that have taken a substantial toll on the organization. During President Obama's tenure alone, CIA drone strikes have

killed 41 of al-Qaeda's leaders in Pakistan, according to data collected by New America.¹⁸

These operations have decimated al-Qaeda's bench of operatives. Only four notable senior al-Qaeda members are believed to be at-large in Pakistan: the leader of the organization, Ayman al-Zawahiri; the Arab-American chief of external operations, Adnan Shukrijumah; the chief of internal operations (in Pakistan and Afghanistan), Khalid ah-Habib; and senior al-Qaeda commander, Saif al-Adel. In 2013, Director of National Intelligence James Clapper reported to Congress: "Senior personnel losses in 2012, amplifying losses and setbacks since 2008, have degraded core [al-Qaeda] to a point that the group is probably unable to carry out complex, large-scale attacks in the West."¹⁹

Perhaps the strongest sign of core al-Qaeda's decline is its loss of control over its affiliates. Though only a small sample of the letters captured in the raid on bin Laden's house in Abbottabad have been publicly released, they reveal an organization struggling to exert control over its affiliates abroad and over militant organizations in South Asia. The letters show al-Qaeda's leaders scolding the Pakistani Taliban for killing large numbers of Pakistani civilians, yet the group continues to do so.²⁰

Further, while some affiliates still look to al-Qaeda for notional leadership and guidance, most of them do not appear to have embraced al-Qaeda's traditional focus on attacking the "far enemy," the United States, choosing instead to wage local power struggles. Without a territorial base, lacking substantial funds, and with a limited number of operatives, al-Qaeda has little to offer its affiliates in order to compel obedience.

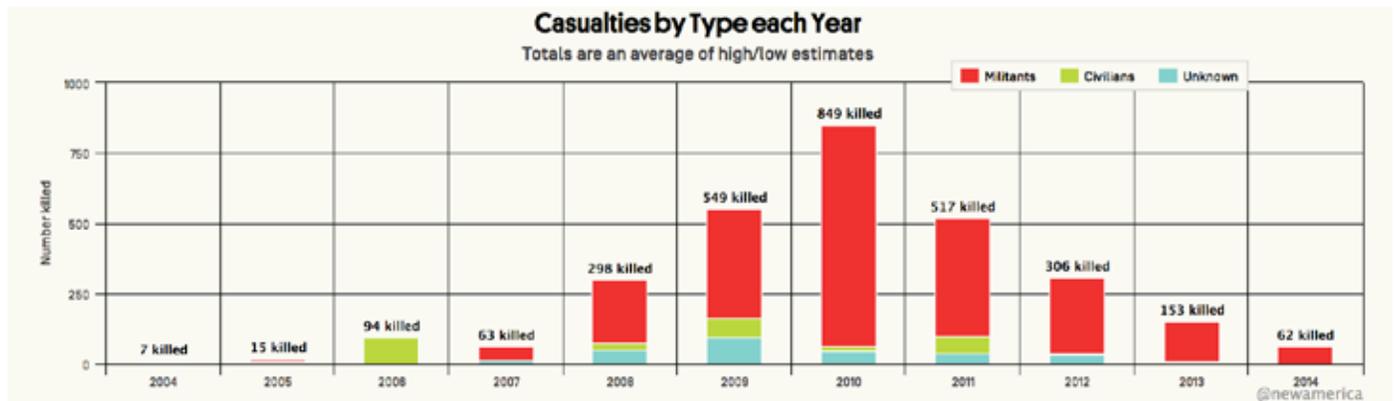
The most recent illustration of al-Qaeda's fractured nature came in April 2014 with news of the so-called "Khorasan pledge," in which nine al-Qaeda emirs (leaders) from Afghanistan, Turkmenistan, and Iran declared their allegiance to the head of the Islamic State of Iraq and Syria (now known as the Islamic State or "IS").^{21,i} Previously, in

February 2014, al-Qaeda had issued a statement saying that IS was no longer part of al-Qaeda, marking the first time al-Qaeda rejected one of its affiliates in its quarter-century of existence and demonstrating the inability of the Pakistan-based core to control the trajectory of jihadist terrorism in the Middle East.²² The expulsion is the product of a long-term al-Qaeda failure to control its Iraqi affiliate, from which IS evolved. The break from core al-Qaeda, the Khorasan pledge, and the war between IS and Jabhat al-Nusra, an al-Qaeda-affiliated organization in Syria, threatens to create a conflict throughout the jihadist movement that is no longer confined to Syria and Iraq.

The Islamic State is also believed to have killed Abu Khalid al-Suri, the leader of the Islamist rebel group Ahrar al-Sham ("Islamic Movement of the Free Men of the Levant" in Arabic) in February 2014; he had been tasked by Zawahiri with mediating disputes between it and Jabhat al-Nusra.²³ Suri's death is a striking example of al-Qaeda core's weakness in controlling the character of the broader jihadist movement in the main theater of jihad today.

Core al-Qaeda's troubles can also be seen in the activity of its media arm, As-Sahab ("the clouds" in Arabic), which has seen its influence decline in recent years as al-Qaeda affiliates create their own propaganda channels and leading al-Qaeda spokesmen are killed or arrested. According to IntelCenter, a company focused on counterterrorism intelligence, of the senior al-Qaeda leaders who used to produce original content for As-Sahab, Zawahiri is the only one left.²⁴ Almost all of the second-tier al-Qaeda spokesmen have been killed or arrested, leaving just three other figures—Ahmad Farouq, the Pakistani head of al-Qaeda's media department; Adam Gadahn, a U.S.-born al-Qaeda spokesman; and Maulana Asam Umar, a militant Pakistani cleric—who can direct the organization's message.²⁵

i. For this report, we have chosen "the Islamic State" to refer to the militant group formerly known as the Islamic State in Syria and Iraq (ISIS), which is also known as the Islamic State of Iraq and the Levant (ISIL) or the Islamic State of Iraq and al-Sham, since that is how they refer to themselves.

Figure 1: Casualties by U.S. drone strikes in Pakistan by yearⁱⁱ

The loss of leadership has also changed the nature of al-Qaeda's communications. Urdu, the national language of Pakistan, has replaced Arabic as the leading language used in As-Sahab's media productions, while English has all but disappeared.²⁶ Additionally, the focus of the media output is increasingly on the South Asian region.²⁷ If these two trends are indicative of core al-Qaeda's operational focus, they suggest that, over time, the once-global organization may become just another Pakistan-based jihadi group with limited or no ability to operate outside of Pakistan.

That said, Zawahiri, the Egyptian-born leader of al-Qaeda, has shown an ability to maintain al-Qaeda's relevance at least in ideological terms even in this environment. Zawahiri brought two new official affiliates into the al-Qaeda network: Somalia's militant al-Shabaab group and Syria's Jabhat al-Nusra (also known as the Nusra Front), which is one of the most effective forces fighting the Assad regime. Zawahiri also had no problem transferring already existing al-Qaeda affiliates' allegiances from bin Laden to himself. In the three months following bin Laden's death, the leaders of the Yemeni-based al-Qaeda in the Arabian Peninsula and the

North African al-Qaeda in the Islamic Maghreb all pledged their allegiance to Zawahiri as their new overall commander. All of the major affiliates have maintained their allegiance to Zawahiri's core leadership despite the Islamic State's declaration of a caliphate.

An area where al-Qaeda core is largely doing well is in its continued relationship with al-Qaeda in the Arabian Peninsula (AQAP). The intercepts by U.S. intelligence that triggered the closures of more than 20 U.S. embassies in August 2013 revealed close communication and coordination between AQAP leadership and the al-Qaeda core.²⁸ Additionally, the 2013 appointment of Nasir al-Wuhayshi, AQAP's leader, as al-Qaeda's number two, demonstrates that the two groups maintain close ties.²⁹ But al-Qaeda core still cannot control even its closest affiliate. On August 18, 2014, AQAP issued a statement expressing solidarity with the Islamic State: "We announce solidarity with our Muslim brothers in Iraq against the crusade. Their blood and injuries are ours and we will surely support them." This statement was issued several months after Zawahiri had already publicly repudiated the Islamic State.

ii. These numbers represent the averages of our high and low casualty estimates.



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Chapter 2: The “Homegrown” Threat

While al-Qaeda and its affiliates have failed to strike within the United States since 9/11, they have sought to encourage action from militant American citizens and residents, who conceivably could be more capable of carrying out terrorist operations than foreign operatives given the existing security measures.ⁱⁱⁱ AQAP has led much of this effort with its English-language webzine, *Inspire*, and the propaganda of Anwar al-Awlaki, a U.S.-born Muslim cleric who took on a leading role in AQAP.

Unfortunately, this strategy of promoting homegrown extremism has demonstrated some successes, such as Major Nidal Hasan’s killing of 13 people at the Fort Hood, Texas, military base in 2009 after communicating with Awlaki and the 2013 Boston Marathon bombing by Dzhokhar and Tamerlan Tsarnaev, two brothers who were also inspired by Awlaki’s propaganda.

Indeed, according to New America’s research, a quarter of the 246 jihadist extremists charged since 9/11 either possessed copies of Awlaki’s propaganda materials, cited him as an influence, or were in communication with him—a very large percentage given that Awlaki did not become a radicalizing influence until around 2007.³⁰ At least 18 jihadists militantly charged in the United States possessed or read AQAP’s *Inspire* webzine.³¹ The influence of Awlaki and *Inspire* continues today despite Awlaki’s death in a drone strike in 2011.

According to a count by New America, jihadist extremists have killed 21 people in the United States since 9/11.³²

iii. This section draws upon New America’s database of homegrown extremists who have been charged since 9/11. The database seeks to provide as much information as possible about American citizens and permanent residents engaged in violent jihadist activity as well as individuals, regardless of their citizenship status, within the United States who have engaged in violent jihadist activity. This report uses the term “charged” to describe the individuals in the database. While the majority of individuals (227 of 246) in the database have been charged with a terrorism-related crime by the United States, we have included 13 individuals who either died or were killed without being charged, and are widely and credibly reported as having engaged in violent extremist activity, as well as six cases of alleged jihadist extremist activity in which Americans were charged by foreign countries and not the United States.

To put that into context, non-jihadist extremists—such as right-wing extremists motivated by anti-government or racist views—have killed at least 37 people for political reasons in the United States during the same period.

Additionally, jihadist extremists have not acquired chemical, biological, radiological, or nuclear (CBRN) materials inside the United States since 9/11, despite a great deal of concern that this might happen. Yet the fact that jihadist extremists in the United States have shown no ability to acquire or deploy CBRN weapons does not eliminate the need for securing potential sources of chemical, biological, and radiological agents. According to a count by New America, since 2001, 16 extremists motivated by right-wing, left-wing, or idiosyncratic ideologies acquired chemical or biological weapons or materials. For example, William Krar and Judith Bruey, two anti-government extremists arrested in 2003, possessed precursor chemicals for hydrogen-cyanide gas, which they discussed deploying through a Texas building’s ventilation system.³³

The United States presents a hard target for homegrown extremists just as it does for foreign terrorist operatives. Part of this is due to the strength of systemic security checks, including the willingness of Muslim communities to report potential terrorist activity, as well as the general public’s reporting of suspicious activity. A third of the extremists charged since 2001 were implicated by tips from family or local community members, and 9 percent were implicated by suspicious activity reports from someone outside of their local community, according to a count by New America.

An examination of the character of these terrorism-related activities further reveals the shift in the threat since 9/11. Of the 50 plots to conduct an attack inside the United States since 9/11, nearly half were initiated while the suspects in question were under surveillance by informants. Only eight plots since 9/11 were directed by a foreign terrorist organization.

Since 2011, only one individual involved in a domestic attack plot, Tamerlan Tsarnaev, one of the Boston Marathon bombers, met with foreign militants abroad, though there is no evidence that he received direction from those militants for the attack. Moreover, since 2011, no individual charged with plotting to conduct an attack inside the United States acted with more than one other accomplice, revealing the difficulties of forming a jihadist group sufficiently large enough to conduct a complex attack, which is a tribute to the success of law enforcement agencies in detecting and deterring jihadist terrorist activity.

The number of jihadists charged has dropped from its peak of 46 individuals in 2009 to 15 individuals in 2012 and 16 individuals in 2013, according to New America data. Ten individuals have been charged so far in 2014. The number of individuals charged in relation to an attempt to conduct an attack inside the United States, as opposed to providing material support or traveling to fight abroad, has also declined since its peak of 19 in 2009 to five in 2013. So far in 2014, only one individual has been charged in relation to a plot to conduct an attack inside the United States.

The decline in the number of people being charged since 2009 noted in the data collected by New America is replicated by other organizations tracking these indictments, including the Triangle Center of Terrorism and Security, a partnership between Duke University and the University of North Carolina.³⁴ Though numbers of indictments are an imperfect means of measuring rising or falling levels of threats, they do provide a sense of the contours of the issue.

While the threat of a major attack from homegrown extremists is limited, the Boston Marathon bombings demonstrate the potential for individuals to carry out smaller-scale lethal attacks. The United States should be prepared for more such incidents in the future.

Additionally, the U.S. government continues to face an issue with terrorist support networks operating within the United States that provide funds and personnel to militant organizations abroad. Al-Shabaab supporters, for example, have been found in cities as diverse as Seattle, St. Louis, San Diego, and Minneapolis, and states as varied as Maryland, Ohio, and Alabama.³⁵ Twenty-two Minnesotans either traveled abroad to fight for al-Shabaab in Somalia or provided funding for the group.³⁶ As many as four Americans have conducted suicide bombings in Somalia for al-Shabaab, and several members of al-Shabaab’s funding network in the United States had direct contact with al-Shabaab leaders in Somalia.^{37,38}

Somalia is not the only foreign war zone that has attracted American extremists. In May 2014, Moner Abu-Salha, a 22-year-old American citizen conducted a suicide bombing on behalf of al-Qaeda in Syria.³⁹ Abu-Salha had reportedly reentered the United States after he received training from groups in Syria and before returning to the conflict.⁴⁰ A second American, Douglas McArthur McCain, a 33-year-old from Minnesota, was killed in August 2014 while fighting with the Islamic State in Syria.⁴¹

Some 100 Americans are believed to have fought in Syria since 2011 or were arrested before they could get there.⁴² According to a count by New America, eight individuals have been indicted with traveling, attempting to travel, or facilitating the travel of others to fight in the country’s civil war with a militant group such as IS or the al-Qaeda affiliate, Jabhat al-Nusra.

Some of those cases are far from threatening:

- Abdella Tounisi, an 18-year-old American citizen from Aurora, Illinois, was arrested and charged with attempting to provide material support to the al-Qaeda-affiliated Jabhat al-Nusra on April 19, 2013. He was caught in a sting operation and said that he had no combat skills to

speak of: “Concerning my fighting skills, to be honest, I do not have any.”⁴³ Tounisi pleaded not guilty and awaits trial.

- Basit Sheikh, a North Carolina man, was arrested in November 2013 at Raleigh-Durham International Airport in North Carolina while allegedly trying to fly to Lebanon in order to join Jabhat al-Nusra.⁴⁴ He awaits trial.
- Nicholas Teasant, a 20-year-old from California, was arrested in March 2014 while allegedly traveling to join the Islamic State.⁴⁵ Teasant pleaded not guilty and awaits trial.
- Shannon Conley, a 19-year-old Denver woman, was arrested in April 2014, was charged with attempting to provide material support to the Islamic State in Syria by attempting to travel to join her suitor there.⁴⁶ She awaits trial.
- Adam Dandach, a 20-year-old Orange County, California man, was arrested at John Wayne Airport while allegedly attempting to travel to join the Islamic State.⁴⁷ Dandach was charged with lying about needing a passport replacement and concealing that the real reason he needed to replace his passport was that his mother had hidden his original passport to prevent his travel. He awaits trial.

Other cases appear more serious. In December, Sinh Vinh Ngo Nguyen, an American citizen from southern California, pleaded guilty to a charge of attempting to provide material support to al-Qaeda.⁴⁸ Between December 2012 and April 2013, Nguyen had traveled to Syria, where, he stated, he fought alongside Jabhat al-Nusra. On his return, Nguyen discussed with an informant his intent to participate further in jihad.

In August 2013, Gufran Mohammed, a naturalized American citizen living in Saudi Arabia, was charged with attempting to provide material support to Jabhat al-Nusra in

Syria by facilitating the recruitment of experienced fighters from al-Qaeda’s Somali affiliate to Syria.⁴⁹ And Michael Todd Wolfe, a 23-year-old Texas man, pleaded guilty to attempting to provide material support to a foreign terrorist organization by traveling to Syria to fight with the Islamic State.⁵⁰

Though the number of Americans believed to be fighting in Syria or with the Islamic State is much smaller than the number of citizens from many European countries fighting there, the Syrian conflict poses a challenge for efforts to prevent such travel. FBI Director James Comey told *The Washington Post*: “All of us with a memory of the ’80s and ’90s saw the line drawn from Afghanistan in the ’80s and ’90s to Sept. 11 [...] We see Syria as that, but an order of magnitude worse in a couple of respects. Far more people going there. Far easier to travel to and back from. So, there’s going to be a diaspora out of Syria at some point and we are determined not to let lines be drawn from Syria today to a future 9/11.”⁵¹

Because of the murky nature of the Syrian conflict it is sometimes a challenge to identify the groups that Americans traveling to Syria are involved with. Two cases—those of Nicole Lynn Mansfield and Eric Harroun—illustrate this difficulty. Mansfield, a Michigan woman was killed in Syria in 2013, reportedly during a military clash. However, details on whether she was fighting in Syria and if so, which group she fought with remain under investigation.⁵² Harroun was indicted upon his return for fighting with Jabhat al-Nusra, but it was later discovered that the FBI had mistranslated the name of the group he fought with and he had actually fought with a group that was not aligned with al-Qaeda.⁵³

The last time there was a similar exodus of American citizens and residents to an overseas holy war was to Somalia following the U.S.-backed invasion of Somalia by Ethiopian forces in 2006. More than 40 Americans subsequently went to Somalia to fight with al-Shabaab, an al-Qaeda-affiliated group.⁵⁴ Just as is the case today in

Syria, for a good number of the Americans who went to fight in Somalia, it was a one-way ticket, because 15 of the 40 or so American volunteers died there either as suicide attackers or on the battlefield.

It's also worth noting that in none of the successful terrorist attacks in the United States since 9/11—such as the Boston Marathon bombings in 2013 or the massacre at Fort Hood, Texas, in 2009—did any of the convicted or alleged perpetrators receive training overseas.

The Islamic State is surely a major problem for Iraq, and its tactics and strategy are abhorrent, such as its use of crucifixions, its genocidal attacks on the small Yazidi minority, and its murder of American journalist James Foley on August 19, 2014.⁵⁵ Foley's murder demonstrates that IS will attack American targets where it has the capability to

do so, but according to Pentagon spokesman Rear Admiral John Kirby, the Defense Department does not believe that IS has “the capability right now to conduct a major attack on the U.S. homeland.”⁵⁶ General Martin Dempsey, the chairman of the Joint Chiefs of Staff, seconded that assessment, telling reporters on August 25, 2014, that there are, so far, no signs of “active plotting against the homeland [by the Islamic State], so it's different than that which we see in Yemen.”⁵⁷

Indeed, the Islamic State's predecessor organization, al-Qaeda in Iraq (AQI), never attacked an American target outside of Iraq, except in neighboring Jordan when it bombed three U.S. hotels in 2005, killing 60 people.⁵⁸ That same year, they aimed rockets at U.S. warships docked at a Jordanian port, though the rockets missed the ships.⁵⁹

Chapter 3: The Diffusion of the Al-Qaeda Threat

While the core al-Qaeda group that struck the United States on 9/11 has been decimated, under pressure, it has successfully diffused itself throughout the Middle East. Al-Qaeda and its allied groups are now situated in far more places than on September 11, 2001. They maintain a presence in some 16 different countries—compared with around half that number a decade ago.⁶⁰ Today, al-Qaeda-

like groups operate in Afghanistan,⁶¹ Algeria,⁶² Egypt,⁶³ Indonesia,⁶⁴ Iraq,⁶⁵ Lebanon,⁶⁶ Libya,⁶⁷ Mali,⁶⁸ Mauritania,⁶⁹ Nigeria,⁷⁰ Niger,⁷¹ Pakistan,⁷² Somalia,⁷³ Syria,⁷⁴ Tunisia,⁷⁵ and Yemen.⁷⁶ In 2008, the movement was active in nine countries: Afghanistan,⁷⁷ Algeria,⁷⁸ Indonesia,⁷⁹ Iraq,⁸⁰ Lebanon,⁸¹ Nigeria,⁸² Pakistan,⁸³ the Philippines,⁸⁴ and Somalia.⁸⁵ Al-Qaeda core exercises little control over these groups, but they all belong to a broad movement with similar goals—making even a largely leaderless network a threat. Al-Qaeda-like groups, however, still have to contend with the same factors that have prevented al-Qaeda core from successfully striking the United States.

Jihadist groups have lost ground in recent years in a number of countries. In Mali, a French military intervention in 2013 significantly rolled back al-Qaeda in the Islamic Maghreb; in Somalia, interventions by African Union forces ended al-Shabaab's control of much of Somalia; in Yemen, U.S. airpower and Yemeni forces ended AQAP's control of large swaths of southern Yemen; and in Indonesia, counterterrorism operations have severely damaged the local al-Qaeda affiliate. However, in other areas, jihadist groups have gained ground—most notably the unprecedented territorial gains by the Islamic State in Iraq and Syria.

Al-Qaeda in the Arabian Peninsula

Al-Qaeda in the Arabian Peninsula (AQAP) poses perhaps the most immediate threat to the U.S. homeland, although it has suffered serious losses in Yemen during the past couple of years and hasn't attempted to carry out a attack in the West since 2010.

The 2014 U.S. Intelligence Community's World Threat Assessment states: "Operating from its safe haven in Yemen, [AQAP] has attempted several times to attack the U.S. Homeland. We judge that the group poses a significant threat and remains intent on targeting the United States and U.S. interests overseas."⁸⁶ The threat emanates in large

Presence of Al Qaeda and Allied Groups

2008

Afghanistan:

Afghan Taliban, Pakistani Taliban, Islamic Movement of Uzbekistan (IMU)

Algeria: AQIM

Indonesia:

Jemaah Islamiyah

Iraq: Islamic State

Lebanon: Various Groups

Nigeria: Boko Haram

Pakistan: Pakistani Taliban, al-Qaeda, IMU

Philippines:

Abu Sayyaf Group

Somalia: al-Shabaab

2014

Afghanistan: Afghan

Taliban, Pakistani Taliban, IMU

Algeria: AQIM

Egypt:

Sinai-based jihadist groups

Indonesia:

Jemaah Islamiyah and its splinter groups

Iraq: Islamic State

Lebanon: Jabhat al-Nusra, Abdullah Azzam Brigades

Libya: AQIM, Libyan militias

Mali: AQIM

Mauritania: AQIM

Nigeria: Boko Haram

Niger: AQIM

Pakistan: Pakistani Taliban, al-Qaeda, IMU

Somalia: al-Shabaab

Syria: Jabhat al-Nusra, Islamic State

Tunisia: Ansar al-Sharia Tunisia

Yemen: AQAP

part from AQAP's targeting of aviation and the continued activity of its chief bomb-maker, Ibrahim al-Asiri, who remains at large. Asiri and AQAP were behind the 2009 Christmas Day attempt to bring down a U.S. airliner over Detroit and the 2010 attempt to plant bombs on U.S.-bound cargo planes. However, the group has not attempted an attack on the West since the failed 2010 cargo plot. (A 2012 AQAP bombing plot was, in actuality, controlled by Saudi intelligence, which had inserted an informer into the group.)⁸⁷ Asiri has, however, trained other bomb-makers who are improving miniaturized bombs using non-metallic materials that render them hard to detect by airport security systems.

AQAP has demonstrated a capability to conduct attacks against the Yemeni government, a trend that was bolstered by the instability of the 2011 Arab Spring. When Yemen's then-President Ali Abudullah Saleh sanctioned the killing of Arab Spring-inspired protesters in the capital, Sana'a, his allies turned against him, and a substantial portion of his army deserted.⁸⁸ The desertions left parts of southern Yemen open to AQAP.⁸⁹ The United States was forced to pull some Special Operations Forces out of Yemen, and counterterrorism training there slowed dramatically.⁹⁰ AQAP was able to quickly grow in strength, with approximately 300 original members in 2010 expanding to around 1,000 by 2012, and membership has remained steady since then.⁹¹

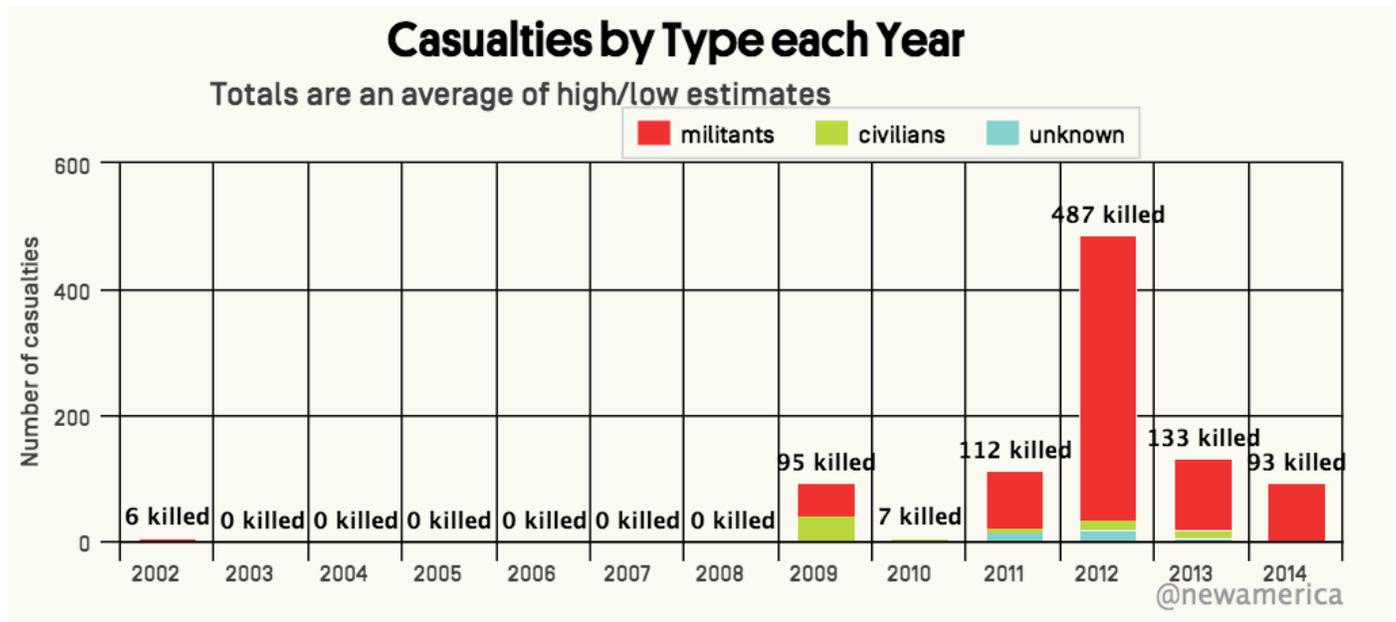
According to Christopher Swift, a Georgetown University researcher who has done field work in Yemen, economic factors, rather than religious extremism, provide AQAP with influence among locals.⁹² Insurgents offer local men "the promise of a rifle, a car and a salary of \$400 a month—a fortune in a country where nearly half the population lives on less than \$2 a day."⁹³ In areas of the country with the most chaotic security environments, AQAP has used a combination of armed militias to gain control of territory, gifts of money and weapons to prop up local sheikhs, and sharia courts to prosecute criminals and provide some

semblance of law and order. "In doing so, the movement exhibits a pragmatic approach that has more in common with the Taliban's operations in Afghanistan than it does with Osama bin Laden's globalized, decentralized jihad," Swift says.⁹⁴

There are also indications that AQAP has integrated itself with other al-Qaeda affiliates, most notably al-Shabaab in Somalia. The case of Ahmed Warsame, who was captured by U.S. forces in the Gulf of Aden in 2011 while returning to Somalia from Yemen and who was later found guilty of providing material support to both groups, provides some evidence of this.⁹⁵ Assistant Attorney General for National Security John Carlin called Warsame a "critical link" between the two organizations and said he was involved in the transfer of weapons directly from AQAP to al-Shabaab; Warsame had also received explosives training from the Yemeni outfit, which he was supposed to bring back to Somalia.⁹⁶ Additionally, in July 2014, the United States adopted enhanced security measures at airports reportedly due to intelligence showing that AQAP was sharing its bomb-making expertise with members of the Syrian-based al-Qaeda affiliate Jabhat al-Nusra.⁹⁷

AQAP, however, has been constrained by U.S. offensive operations. The United States greatly expanded its drone campaign against AQAP in 2012 and began to train and equip the Yemeni military, enabling the government to reclaim the territory it had lost to AQAP the previous year.⁹⁸

Since 2010, U.S. drone strikes in Yemen have killed 46 high-level al-Qaeda operatives, according to research conducted by New America, including Anwar al-Awlaki, a radical Yemeni-American cleric, and Samir Khan, the driving force behind the Internet-based Inspire webzine.⁹⁹ On July 17, 2013, AQAP confirmed the death of Said al-Shihri, the group's deputy commander, in a video posted to jihadist websites. The statement confirmed long-rumored reports that he had died from wounds received from a drone

Figure 2: Casualties caused by U.S. drone strikes in Yemen by year^{iv}

Source: New America, securitydata.newamerica.net

strike in late 2012 and that “lax security measures during his telephone contacts enabled the enemy to identify and kill him,” but it did not confirm his date of death.¹⁰⁰ The loss of Shihri is another blow to the organization, which, as of the beginning of 2014, is battered, though not defeated. AQAP’s remaining leaders appear to be its chief bomb-maker, Ibrahim al-Asiri; AQAP’s leader and founder, Nasser al-Wuhayshi; and the man who delivered Shihri’s eulogy, Ibrahim al-Rubaish, a former Guantanamo detainee.

Despite security constraints imposed by U.S. drone strikes, Wuhayshi was seen meeting with some 100 fighters in Yemen in a video that appeared on jihadist websites in April 2014.¹⁰¹ American officials believe the video, which showed the largest gathering of al-Qaeda in years, was taped just before being posted online.

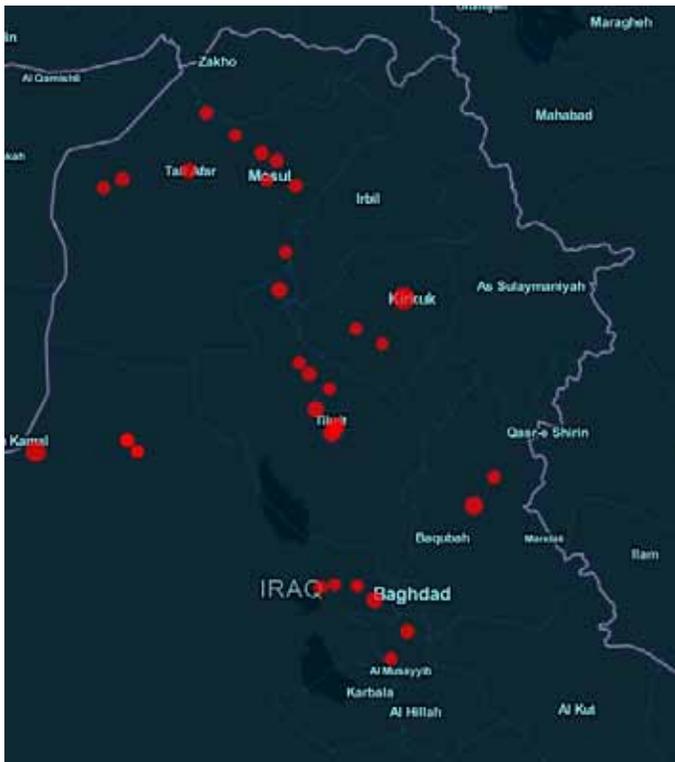
iv. These numbers represent the averages of New America’s high and low casualty estimates.

Islamic State and Jabhat Al-Nusra

As a result of the conflict in Syria and instability in Iraq, al-Qaeda-affiliated groups, such as Jabhat al-Nusra and the former al-Qaeda affiliate the Islamic State, hold hundreds of miles of territory across Syria and northern Iraq, from Aleppo in the west to Fallujah in the east; it is the most territory al-Qaeda or its splinter groups have held in the Arab world in their history.¹⁰² The Islamic State has wrested large portions of Iraq from government control—including Mosul, Iraq’s second-largest city, as well as Fallujah, parts of Ramadi, and parts of the key oil town Baiji.¹⁰³ The Islamic State also controls the Najma and Qayara fields near Mosul, and the Himreen and Ajil fields near Tikrit, profiting from the oil.¹⁰⁴ According to Husham al-Brefkani, the head of the Mosul provincial council’s energy committee, the group is making multimillion-dollar profits from the illegal sale of oil, shipping it into Syria and then on to neighboring countries.¹⁰⁵ Aaron Zelin, a fellow at the Washington

Institute for Near East Policy, estimates that Jabhat al-Nusra has 5,000 to 10,000 fighters, while Islamic State fighters number between 10,000 to 20,000.¹⁰⁶

Figure 3: IS-controlled areas of Iraq



Source: New America, securitydata.newamerica.net

Syria and Iraq are also the center of the brewing conflict over leadership of the jihadist movement. Abu Bakr al-Baghdadi succeeded IS leader Abu Umar al-Baghdadi after he died in 2010, and since then he has rebuilt the organization into what it is today.¹⁰⁷ Baghdadi has asserted his right to be the caliph (the leader of all Muslims) through his heritage (he claims he is a descendant of the Prophet Muhammad's Quraysh tribe) and his education in traditional

Islam (he has a Ph.D. from the Islamic University of Baghdad focusing on Islamic culture, history, sharia, and jurisprudence).¹⁰⁸ His claim to lead the caliphate is in conflict with al-Qaeda core's oath of allegiance to Taliban emir Mullah Omar, which was publicly renewed on July 20, 2014, when al-Qaeda published the first edition of a new online bulletin, *Al Nafir*, which means "call to arms."¹⁰⁹ Al-Qaeda disavowed any ties with IS in February 2014, and the two groups have been at odds since.¹¹⁰ It was the first time that al-Qaeda had ever officially rejected one of its affiliated groups.

Under the War Powers Resolution, President Obama authorized U.S. airstrikes in Iraq on August 7, 2014, in support of Iraqi government forces. As of the end of August 2014, the United States had conducted more than 95 air strikes, according to the Department of Defense.¹¹¹ Sixty of those strikes were focused around the Mosul Dam area, forcing IS to relinquish control of the prized dam and allowing Kurdish and Iraqi fighters to retake the area.¹¹² Air strikes also helped Kurdish forces defend the key city of Erbil.¹¹³ Currently, the Obama administration is considering strikes in Syria, under either the 2001 Authorization for the Use of Military Force—which gives the president broad powers to conduct military operations against al-Qaeda-associated forces—or following congressional approval for expanded authorities to conduct strikes against the Islamic State in Syria.¹¹⁴

For now, Jabhat al-Nusra's and the Islamic State's violence has centered in the region, but jihadist groups in Syria may shift their focus from the increasingly brutal sectarian conflict to conducting attacks in the West, in particular, in Europe.^{115,116} According to a report by the International Centre for the Study of Radicalisation and Political Violence published in December 2013, 11,000 foreign fighters from some 70 countries have flooded into Syria.¹¹⁷ A June 2014 report by Richard Barrett, the former head of counterterrorism operations for Britain's MI6, examined

official statements and reports released by governments to estimate the number of citizens from each country who have gone to Syria to fight, and concluded that more than 700 have gone from France, about 400 from the United Kingdom, and 270 from Germany.¹¹⁸

Matthew Olsen, the director of the National Counterterrorism Center, said at the Aspen Security Forum in July 2014 that there are 12,000 foreign fighters in Syria and that around 100 Americans have fought in Syria or attempted to do so.¹¹⁹ According to Homeland Security Secretary Jeh Johnson, some Syrian jihadists “are actively trying to recruit Westerners, indoctrinate them and see them return to their home countries with an extremist mission.”¹²⁰ A June 2014 report released by the Combating Terrorism Center at West Point found that the foreign fighters interviewed by the authors were “generally unconcerned with ultimate political outcomes from the Syrian civil war or their own long-term prospects and well-being.”¹²¹ As a result, the authors concluded that they were “deeply committed and [would] continue to pursue other avenues for jihad if they [could not] realize their goals in Syria.”¹²²

European states are already reporting a few cases where returnees from Syria allegedly plotted to conduct attacks in the West. Mehdi Nemmouche, for instance, a suspect in the May 2014 shootings at a Jewish museum in Brussels, Belgium, that killed four people, had spent about a year with jihadist fighters in Syria, according to the Paris prosecutor in the case.¹²³ Nemmouche’s case is the only successful instance of terrorist violence in the West by a returning veteran of the Syrian jihad. However, in October 2013, British police arrested two men who were allegedly plotting an attack and who had reportedly returned from Syria.¹²⁴ In November 2013, six individuals were arrested in Kosovo and accused of plotting an attack; among them were two people who had reportedly fought in Syria.^{125,126} Other terrorism-related arrests involving returning fighters from Syria have reportedly occurred in other European countries, such as Italy, France, and the Netherlands.¹²⁷

A number of factors raise the potential threat to the United States from European fighters returning from Syria. Many of the returning fighters are from visa-waiver countries in western Europe and do not require a visa to enter the United States.¹²⁸ In addition, experienced al-Qaeda operators are present in Syria, and as one senior American intelligence official put it, these are veteran members “with strong résumés and full Rolodexes.”¹²⁹ In July 2014, the United States adopted enhanced security measures at airports based on intelligence that bomb-makers from AQAP were sharing their expertise—specifically in making bombs capable of evading airport security—with members of Jabhat al-Nusra.¹³⁰

However, large numbers of foreign fighters do not necessarily result in blowback at home. There was no blowback of attacks in the West by fighters returning from the Iraqi insurgency in the mid-2000s. A number of factors limited blowback in that case, including the large number of suicide bombings conducted by foreign fighters, the relative difficulty of entering Iraq, and a major effort by surrounding countries to limit foreign-fighter entry and to track those who did enter.

Al-Shabaab

Al-Shabaab, al-Qaeda’s Somali affiliate once controlled much of Somalia, but it has suffered a number of battlefield losses over the past three years and it has only some limited abilities to carry out terrorist attacks against soft targets in neighboring countries. Al-Shabaab controlled most of southern Somalia’s autonomously governed Puntland in 2010, but operations by African Union and Kenyan forces ended its domination of the region.¹³¹ In 2011, the U.N.-sanctioned African Union Mission to Somalia (AMISOM) partnered with Somali troops to fight the militants, and in August of that year, AMISOM and Somali transitional federal government forces defeated al-Shabaab forces in the Somali capital, Mogadishu, forcing them from a stronghold they had controlled since 2009.

Even weakened organizations can conduct attacks on Western interests and spread instability and terror through attacks on soft targets. This was demonstrated by al-Shabaab's 2013 attack on the upscale Westgate mall in Nairobi, Kenya, which is frequented by well-to-do Kenyans and expats. Sixty-seven people were killed during the 80-hour siege.¹³²

The attack on Westgate was the first time that a major terrorist attack was live-tweeted and also the first time that information released by a terrorist organization on Twitter and other social media sites was at times more reliable and timely than information released by the Kenyan government. Members of al-Shabaab use Twitter frequently to communicate their messages to the world. During the attack on the mall, the group tweeted: "All Muslims inside #Westgate were escorted out by the Mujahideen before beginning the attack."¹³³

Following the U.S.-backed invasion of Somalia by Ethiopian forces in 2006, more than 40 Americans subsequently went to Somalia to fight with al-Shabaab.¹³⁴ For a good number of the Americans who went to fight in Somalia, it was a one-way ticket, because 15 of the 40 or so American volunteers died there either as suicide attackers or on the battlefield.¹³⁵ In 2011, U.S. Representative Peter King (R-New York), then-chairman of the House Homeland Security Committee, warned of Americans fighting in Somalia, saying: "With a large group of Muslim-Americans willing to die as 'martyrs' and a strong operational partnership with al Qaeda leaders in Pakistan and in Yemen, al-Shabaab now has more capability than ever to strike the U.S. homeland."¹³⁶ As it turned out, those Americans who returned from the Somali jihad did not attempt or carry out any kind of terrorist attack in the United States.

Al-Qaeda in the Islamic Maghreb

French military intervention in Mali in 2013 largely defeated the forces of al-Qaeda in the Islamic Maghreb (AQIM) and its splinter groups, which had taken over half of the country. As the International Crisis Group reported: "The French military intervention, launched in January 2013, had a decisive impact on Mali. The country, which was on the verge of collapse, is now relatively stable."¹³⁷

AQIM has shown an ability to conduct attacks on Western interests in North Africa, but it has not demonstrated any ability to conduct attacks in the West and is unlikely to do so.¹³⁸ The group's attacks on Western interests in North Africa include a 2007 car-bomb attack at the U.N. offices in Algiers, a 2008 attack on the Israeli embassy in Mauritania, and the 2009 murder of American citizen Christopher Leggett, also in Mauritania.¹³⁹ In January 2013, a splinter group from AQIM led by Moktar Belmoktar attacked the In Amenas gas facility in Algeria, killing 40 foreign workers and garnering widespread media attention.¹⁴⁰

AQIM is now thought to be operating in Mali, Mauritania, and Niger—three countries that have suffered military coups in the last five years.¹⁴¹ Of the three countries, its presence is most strongly felt in Mali, where it worked with the secular Azawad National Liberation Movement to secure an independent northern stronghold for ethnic Tuaregs in 2012.¹⁴² AQIM's main appeal today is its wealth, as its focus on kidnappings for ransom has earned it an estimated \$90 million in funds.¹⁴³ With those funds, it has supported a number of al-Qaeda fighters and militant groups in the region, including Nigeria's Boko Haram.¹⁴⁴

Despite the French military intervention against AQIM in Mali, the U.N. Analytical Support and Sanctions Monitoring Team noted in January 2014 that the terrorist organization, though largely displaced from Mali and Algeria, has regrouped in Libya.¹⁴⁵ Now, Libya is coming undone: three

years after Libyan rebels ousted Muammar Qaddafi, militant groups battle for territory and key infrastructure, such as the airport in Tripoli, unsettling the country to the point where American embassy workers were evacuated on July 26, 2014.^{146,147}

Assessing the size of AQIM and its associated groups is a difficult task. According to Hannah Armstrong, a fellow with New America's International Security Program, about 200 AQIM fighters are in Algeria with support groups of two men for each fighter placing the total AQIM contingent in the country at about 500.¹⁴⁸ According to Andrew Lebovich, a Ph.D. candidate at Columbia specializing in North African jihadist groups, AQIM contributes a significant portion of fighters to the estimated 2,000 to 3,000 total jihadists from various groups active in Mali.¹⁴⁹ Armstrong places the total number of AQIM-associated fighters in the Sahel region at about 3,000, including 500 members of al-Morabitoun, which formed out of the merger between Belmoktar's splinter group and another AQIM offshoot called the Movement for Oneness and Jihad in West Africa.¹⁵⁰

Jemaah Islamiya

Counterterrorism operations in 2009 and 2010 have decimated Jemaah Islamiya (JI), al-Qaeda's Southeast Asian affiliate.¹⁵¹ In the period after 2010, "JI was severely

crippled and could only stage small-scale attacks" according to Zachary Abuza, a leading JI expert at the National Defense University.¹⁵² In November 2012, Philippine security services killed Ustadz Sanusi, a senior JI leader, and in 2011, Umar Patek, another JI leader, was arrested in Abbottabad, Pakistan.¹⁵³ The U.S. National Counterterrorism Center (NCTC) assesses: "Southeast Asian governments since 2002 have arrested more than 300 suspected terrorists, significantly degrading JI's network."¹⁵⁴ NCTC adds: "Since 2009, JI has been overshadowed by the activities of its splinter groups and other Indonesia-based terrorists, some of whom are experienced operatives previously affiliated with JI; others are convicted terrorists who completed prison sentences and have since resumed their activities."¹⁵⁵ The cells that have attempted to replace the crippled JI have found themselves constrained by continued counterterrorism operations and a lack of leadership.¹⁵⁶

Despite JI's demise, jihadist terrorism will remain a security issue in Southeast Asia. As the NCTC noted, many former JI operatives are now affiliated with other groups in the region. In addition, about 100 Southeast Asians have reportedly traveled to fight with the Islamic State, which could reinvigorate Southeast Asian extremist networks.¹⁵⁷



National Security Program
Homeland Security Project



Chapter 4: The Threat from Jihadist Groups not Affiliated with Al-Qaeda

Boko Haram

Since its creation in 2002, Boko Haram has only attacked Western interests once, when it bombed the U.N. office in Abuja, Nigeria, in August 2011.¹⁵⁸ The group has consistently shown little inclination for attacking Western targets and is principally interested in putting Nigeria under its version of sharia law.¹⁵⁹ The group has tried to achieve this by conducting attacks against schools, for instance, kidnapping some 200 girls in April 2014 from a boarding school in Chibok in the northern state of Borno. The incident sparked international outrage, creating the #BringBackOurGirls social media campaign.¹⁶⁰ Nevertheless, the group has stepped up cross-border violence in Cameroon recently and kidnapped a number of high-profile people, including the wife of Cameroon's vice prime minister, Amadou Ali, on July 27, 2014.^{161,162} In 2011, Dr. Peter Lewis, the director of African Studies at John Hopkins School of Advanced International Studies, estimated that Boko Haram had several thousand supporters and at least 300 armed men.¹⁶³

Pakistani Taliban

Though the Pakistani Taliban—currently led by Mullah Maulana Fazlullah, who is believed to be in Afghanistan—is predominantly focused on fighting in Pakistan, the group has repeatedly threatened the United States.^{164,165} The group was responsible for Faisal Shahzad's failed car-bomb attack in Times Square in 2010.

The Pakistani military launched military operations in the country's North Waziristan tribal region on June 15, 2014. The United States has long called for such an operation as North Waziristan is the home base of many of the most capable terrorist and insurgent groups in the region. Pakistani officials have claimed that the operation, which appears to be focused specifically on the Pakistani Taliban, has killed more than 500 Taliban fighters.¹⁶⁶ However,

according to National Defense University Professor Hassan Abbas, the Pakistani Taliban have anywhere from 17,000 to 22,000 foot soldiers.¹⁶⁷ Abbas further estimates that the group has 70 to 80 central Shura council members and operational commanders, as well as around 5,000 hard-core militants operating in the field.¹⁶⁸ Further complicating the success of the operation is the fact that many of the militants, including elements of the Haqqani Network, fled across the border to take refuge in Afghanistan, according to reports from residents in the area.¹⁶⁹

Haqqani Network

The Haqqani Network continues to pose a threat to U.S. interests in Afghanistan and Pakistan due to its collaboration with al-Qaeda and the Taliban's Quetta Shura. In 2013, Matthew Olsen, the director of the NCTC, stated: "The Haqqani network is one of the most capable and lethal insurgent groups in Afghanistan and poses a serious threat to the stability of the Afghan state as we approach 2014 and beyond. The Haqqani network's continued ability to launch major attacks in Kabul and the east suggests the Haqqanis will remain a viable challenge to Afghan government control in the eastern and central provinces post 2014."¹⁷⁰ Olsen also noted his concern regarding continued ties among the Haqqani Network, al-Qaeda, and the Taliban.¹⁷¹

The Haqqani Network has demonstrated its capability to conduct sophisticated and deadly attacks on Western targets, including complex assaults in 2011 on the U.S. embassy and NATO headquarters in Kabul, and on the NATO base in Wardak Province that injured 77 American troops.^{172,173} The group also held U.S. Army Sergeant Bowe Bergdahl captive for nearly five years in territory it controlled in Pakistan.¹⁷⁴ However, the Haqqani Network has never conducted an attack outside of the Afghanistan-Pakistan region.

The Haqqani Network has been the target of a variety of U.S. countermeasures. According to data collected by New America, 35 U.S. drone strikes have targeted the Haqqani Network since President Obama took office in 2009.¹⁷⁵ A July 10, 2014, drone strike reportedly killed two senior Haqqani leaders, and the group has suffered leadership losses since the United States began to focus on targeting it.¹⁷⁶ The network has also been targeted by other groups: Nasiruddin Haqqani, the son of the network's leader, Jalaluddin Haqqani, and believed to be an important financier and emissary for the group, was killed by unknown attackers in Islamabad in November 2013.¹⁷⁷ In February 2014, the U.S. Treasury Department added three Haqqani Network leaders to its list of Specially Designated Global Terrorists in an effort to target the network's financial support structures.¹⁷⁸ Pakistan's security operation in North Waziristan has also reportedly targeted the Haqqani Network's infrastructure.¹⁷⁹

Afghan Taliban

The influx of Pakistani Taliban militants into Afghanistan—under the leadership of Pakistani Taliban commander Mullah Maulana Fazullah, who currently resides in Afghanistan—adds more fighters to an already robust Taliban force: U.S. government officials estimate the number of Taliban members at around 35,000. The Taliban are already making advances as the United States and other NATO countries withdraw from Afghanistan, according to two reports in July 2014 in *The New York Times*—one by Azam Ahmed and the other by Carlotta Gall and Tamoor Shah. According to Ahmed, the Taliban have extended their reach beyond their traditional safe havens and now control crucial highways surrounding Kabul.¹⁸⁰ One Western official told Ahmed, “They are running a series of tests right now at the military level, seeing how people respond,” and, “They are trying to figure out: Can they do it now, or will it have to wait.”¹⁸¹ Gall reported that a sudden Taliban offensive in

Kandahar Province has caused protracted fighting and the Taliban have overrun a district center near the border with Pakistan.¹⁸²

Islamic Movement of Uzbekistan

Since 2011, the Islamic Movement of Uzbekistan (IMU) has lost several senior leaders, yet the group continues to pose a threat to Afghanistan and Pakistan.¹⁸³ The IMU claimed responsibility for the June 2014 attack on Karachi's Jinnah International Airport, which killed 28 people.¹⁸⁴ The U.S. State Department estimated that, as of April 2014, the IMU had about 200 to 300 members and that its splinter the Islamic Jihad Union had 100 to 200 members.^{185,186}

Established in the late 1990s to overthrow the Karimov regime in Uzbekistan, the IMU moved to bases in Afghanistan in the early 2000s. After the U.S. invasion of Afghanistan in 2001, the IMU fled to Pakistan, where it has developed close ties with the Pakistani Taliban. The IMU has released videos featuring leaders from both organizations, and the two groups have conducted several joint operations, including the attack that released 400 prisoners from Pakistan's Bannu Prison in 2012.¹⁸⁷ The Karachi airport attack was also a joint assault by the Pakistani Taliban and the IMU.¹⁸⁸ Both groups also rely on Abu Zarr al-Burmi, a militant Pakistani preacher and religious scholar, for rulings on religious law.¹⁸⁹ The IMU has taken an increasingly large role in the Taliban insurgency in northern Afghanistan.¹⁹⁰ Afghan National Army General Zalmay Wesa stated in April 2013 that IMU operatives are the focus of northern-based Afghan Special Forces units and that they have played a key role in spreading explosives knowledge to other insurgents.¹⁹¹

The IMU and its splinter group the Islamic Jihad Union (IJU) have in the past been tied to jihadist activity in the West, although it is difficult to assess the nature of these links. The IJU—which split from the IMU in the early 2000s

to pursue a more global vision of violent jihad—has been involved in and claimed responsibility for attempted attacks in Europe. In September 2007, the IJU released a statement claiming responsibility for a disrupted plot to attack U.S. targets in Germany and threatened similar attacks in the future.¹⁹² Based in Pakistan’s tribal regions, the IJU has also cooperated with the Haqqani Network on attacks in Afghanistan.¹⁹³ Both the IJU and IMU have targeted their Western recruitment efforts at German citizens. In 2009, the IMU released a video subtitled in German showing its leader, Tahir Yuldashev, meeting with Hakimullah Mehsud, the leader of the Pakistani Taliban.¹⁹⁴ In August 2010, the IMU’s media arm released a video showing German militants in action that included instructions and subtitles in German.¹⁹⁵

A number of Germans and other Europeans have trained in IMU camps, and some of these individuals have been involved in plots in Germany.¹⁹⁶ The IJU was also linked to a cell in Sauerland, Germany, in 2007 that stockpiled explosives for an attack on U.S. targets in Germany and that is believed to have developed a network to funnel individuals to militant groups in Pakistan.¹⁹⁷ German-born Muslim convert Eric Breininger was allegedly involved in both the 2007 Sauerland plot and in attacks on International Security Assistance Force (ISAF) soldiers in Afghanistan.¹⁹⁸

Since 2012, four individuals linked or expressing links to Uzbek militant groups have been indicted in the United States. Jamshid Muhtorov and Bakhtiyor Jumaev were arrested in 2012 for attempting to provide material support to IJU after Muhtorov, an Uzbek refugee, established contact with an IJU operative over the Internet.¹⁹⁹ In February 2012, Ulubek Kodirov, an Uzbek man, pleaded guilty to plotting to kill President Obama after communicating with a man who said he was a member of the IMU.²⁰⁰ Fazliddin Kurbanov, an Uzbek national, was indicted in Idaho in 2013 on charges of explosives possession and providing material support to the IMU.²⁰¹ He

is also alleged to have provided bomb-making instructions to unnamed others. Details on the degree and nature of ties to the Uzbek groups in the Kodirov and Kurbanov cases remain unclear.

Lashkar-e-Taiba

Though not affiliated with al-Qaeda and focused upon the Kashmir conflict, Lashkar-e-Taiba (LeT) poses a substantial terrorist threat to India. According to the NCTC, LeT likely has several thousand members.²⁰² In 2012, the commander of U.S. Pacific Command, Admiral Samuel Locklear, stated: “Lashkar-e-Taiba remains one [of], if not the most operationally capable terrorist groups through all of South Asia.”²⁰³ LeT’s deadly effectiveness was demonstrated by the attacks it carried out in Mumbai in 2008 killing 165 people.

LeT has primarily targeted Indians and Indian facilities, but it also assists insurgents in Afghanistan. According to LeT expert Stephen Tankel, “Since November 2008, its militant activities in Afghanistan and throughout South Asia have expanded, while its operational integration with the jihadist nexus in Pakistan has grown.”²⁰⁴ In April 2013, ISAF Joint Command reported that “an Afghan and coalition security force arrested a senior Lashkar-e-Taiba leader” in Ghazni Province, Afghanistan.²⁰⁵

The threat from LeT is compounded because it shares its core sentiments—opposition to India—with the Pakistani government and military and so operates with few constraints in Pakistan. LeT leader Hafiz Muhammad Saeed, for example, is able to live freely and promote LeT—often receiving protection from the Pakistani police despite the \$10 million bounty on his head from the U.S. government—from his residence in Lahore.²⁰⁶ And LeT continues to draw fighters from all Pakistani social strata, even competing directly with the military for fighters in some areas.²⁰⁷ On the other hand, the shared interests between

Pakistan and LeT and other factors have kept LeT away from violent intervention in Pakistan's internal conflicts.²⁰⁸ Some analysts have noted that Saeed may be moderating the group's stances—though the extent of any such moderation remains unclear.²⁰⁹

Egyptian Jihadist Groups

Egyptian jihadist groups continue to pose a threat to Israel and Egypt. Ansar Bayt al-Maqdis, an Egyptian jihadist group inspired by al-Qaeda, claimed responsibility for a rocket attack on the Israeli port of Eilat in January 2014.²¹⁰ One important aspect of the Egyptian jihadist threat is that they have anti-aircraft and anti-tank weapons.²¹¹ The United States designated Ansar Bayt al-Maqdis as a foreign terrorist organization in April 2014.²¹²

Libyan Militias

Ansar al-Sharia in Libya, a jihadist militia inspired by but not officially linked to al-Qaeda, as well as other militias pose a growing threat in Libya. Ansar al-Sharia, in coalition with other militias, overran a Libyan Special Forces base in July 2014.²¹³ On July 26, 2014, clashes among militias caused the United States to evacuate its diplomatic personnel from the country.²¹⁴ In August 2014, Egypt and the United Arab Emirates reportedly conducted air strikes on militias in the country without America's prior knowledge.²¹⁵ The attack on the U.S. consulate in Benghazi in 2012 provides a reminder of the threat posed by such groups to U.S. and Western interests in Libya. In addition, as noted above, instability in Libya has helped sustain jihadist groups in other parts of North Africa and the Sahel, including AQIM.

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Chapter 5: Future Wild Cards

In addition to the threats currently emanating from jihadist terrorist networks and groups, a number of wild cards have the potential to cause important changes in the nature of those threats.

Iraq and Syria

The situation in Iraq, with levels of violence not seen since 2008, has added to the regional chaos that was initiated by Syria's civil war.²¹⁶ Although IS is not affiliated with al-Qaeda, the "existence of IS as a de facto state presents an incredible challenge in terms of safe haven for terrorists with transnational ambitions," as New America Iraq experts Douglas Ollivant and Brian Fishman note.²¹⁷ The conflict also has the potential to spill over into other countries, such as Jordan and Lebanon, which would further destabilize the region.^{218,219}

A wide array of political science research finds that civil wars like the one in Syria take about a decade or more to end.²²⁰ If that is so in this case, we have only seen the beginning of the Syrian conflict, and the United States must be prepared to contain the fallout from the conflict and prevent further escalation for years to come.

Another real possibility is that IS will eventually be defeated by some combination of the Iraqi government and Kurdish forces backed up by U.S. air support. In mid-August 2014, Iraqi and Kurdish ground troops reclaimed the country's Mosul dam from IS after U.S. air strikes pushed the militants from the area.²²¹ And IS may end up not being able to effectively govern the so-called "caliphate" it has established in much of western and northern Iraq. After all, in 2006, the IS mothership, al-Qaeda in Iraq, controlled much of the same area that IS now governs in Iraq and lost it all by the end of 2007 due to its incompetence and brutality.²²²

Afghanistan

In Afghanistan, the forthcoming withdrawal of U.S. and NATO combat forces in December 2014 may enable al-Qaeda and other insurgents in the region to stage a resurgence. The inability of the Afghan government to declare a winner in the April 2014 presidential election because of allegations of industrial-level fraud added uncertainty to a vulnerable democratic process. Although U.S. Secretary of State John Kerry brokered a deal to audit all of the run-off election votes, the possibility of a crisis and a power vacuum where al-Qaeda or allied groups could establish footholds in northern and eastern Afghanistan remains a possibility.²²³

Egypt

The situation in Egypt is another potential wild card. On July 3, 2013, the Egyptian military removed democratically elected President Mohammed Morsi, a leader of the Muslim Brotherhood, from office after a series of protests against his government.²²⁴ The coup provided a propaganda victory to al-Qaeda by discrediting more moderate Islamist groups, such as the Muslim Brotherhood, that are willing to work within a democratic system.²²⁵

The outcome of the coup in Egypt comports with what Ayman al-Zawahiri, the Egyptian-born leader of al-Qaeda, has long asserted: an Islamist party that does well at the polling booth will be overthrown by a military coup.²²⁶ This is what happened in Algeria in 1991. Tens of thousands died in the subsequent Algerian civil war that ripped the nation apart during the 1990s. The lesson that Zawahiri drew from the Algerian war was that participating in democratic elections was strictly for suckers; far better to seize power through violence and then impose Taliban-style sharia law because "the Crusaders" and their allies in the Arab world would never allow the emergence of a true Islamist state. In 1991, the same year that the

Algerian civil war began, Zawahiri released his first book, *The Bitter Harvest*. The book was a diatribe against the Muslim Brotherhood and other similar Islamist parties for participating in “democracies, elections and parliaments.”²²⁷ Now Zawahiri gets to say, “I told you so.” In 2013, Zawahiri posted a 15-minute recording on militant websites.²²⁸ In the recording, Zawahiri explained that the military coup that deposed Morsi proved that democracy had failed.²²⁹

After Morsi’s ouster, the crisis in Egypt escalated with more than 16,000 people detained on political grounds and more than 4,000 people killed in clashes, according to the Egyptian Center of Economic and Social Rights.²³⁰ The center also estimates that 198 people were killed in armed attacks on security services from July to November 2013 alone.²³¹ The Egyptian government appears to be pursuing a decapitation strategy against the Muslim Brotherhood, but in doing so, it has increasingly closed the space for the organization’s reentry into electoral politics and likely created an opening for an escalating Islamist insurgency.²³² Indeed, a February 16, 2014, attack on a bus in the Sinai Peninsula carrying South Korean tourists suggests that the Islamist insurgency may now be turning toward civilian and economic targets.²³³

Abdel Fattah al-Sisi was elected president of Egypt in May 2014 after campaigning as the only candidate who could restore stability after the protests and violence, and, even though five small bombs exploded in Cairo’s subway system that month, attacks have subsided overall.²³⁴

Gaza and the Israeli-Palestinian Conflict

Another wild card is the ongoing Israeli-Palestinian conflict and, in particular, the hostilities in Gaza. The tensions between Israel and Hamas escalated in July 2014, resulting in the third major Israeli military operation in Gaza in five years.²³⁵ Al-Qaeda has long utilized the Israeli-Palestinian

conflict in its propaganda. At the 2014 Aspen Security Forum, former FBI Director Robert Mueller warned, “We cannot forget that what’s happening in Gaza today will feed and fuel the desire for many more to join radical groups,” adding, “[W]ith the territory you have in Syria and Iraq, with the difficulties of covering that particular area, I think you may well see as a result of what’s happening between Israel and Hamas in Gaza an increase in the months ahead of those that are willing to go and join such groups.”²³⁶ Bruce Riedel, who directs the Intelligence Project at the Brookings Institution, warns, “There is one big winner from the latest Gaza war—the global jihad.”²³⁷

Riedel also notes that al-Qaeda-associated groups are now closer to Israel and more capable of conducting attacks on the country and its immediate interests.²³⁸ In January 2014, Israel claimed to have foiled a plot by Palestinian jihadists with connections to Zawahiri to attack the U.S. embassy in Israel, illustrating the potential for the Israeli-Palestinian conflict to further merge with and escalate al-Qaeda-inspired instability in the Middle East.²³⁹ And in August 2014, the U.S. State Department designated the Mujahidin Shura Council in the Environs of Jerusalem, a Gaza-based umbrella group of jihadist organizations in the area, as a foreign terrorist organization, citing its claims of rocket attacks on southern Israel and the group’s announcement of allegiance to the Islamic State.²⁴⁰

India-Pakistan Tensions

There is also the potential for terrorist attacks against India that result in an escalation of tensions between it and Pakistan. In May 2014, the Indian consulate in Afghanistan’s Herat Province was attacked by armed militants who were suspected to be members of the Haqqani Network, a Taliban group with ties to the Pakistani intelligence agency.²⁴¹ Major terrorist attacks on India emanating from Pakistan have historically created pressure for an Indian response. An attack on the Indian Parliament

by Pakistan-linked terrorists in December 2001 triggered a yearlong stand-off in which both sides mobilized their militaries.²⁴² Members of the Pakistani security services were also tied to the 2008 attacks in Mumbai—four members have been indicted by the United States—and Lashkar-e-Taiba, the group that conducted the attack, is known to have close connections with Pakistani officials.²⁴³

After the Mumbai attacks, India exercised restraint and did not mobilize its forces, though it did put the Air Force on high alert.²⁴⁴ Pakistan-based groups exhibit the capability and intent to conduct attacks in India, and India may not exercise restraint following a future attack. As Daniel Markey, senior fellow for South Asia at the Council on Foreign Relations, notes, “Increased tensions between India and Pakistan would harm U.S. interests even if New Delhi and Islamabad stop well short of the nuclear threshold, because it would distract Pakistan from counterterrorism and counterinsurgency operations, jeopardize the U.S. mission in Afghanistan, and place new, extreme stresses on Islamabad.”²⁴⁵

Prison Breaks

Another wild card is the capability al-Qaeda members have shown to launch successful prison breaks. In June 2014, Islamic State militants freed 1,200 prisoners from two facilities in Mosul and 300 prisoners from Tikrit, as they advanced through Iraq.^{246,247} Three months earlier, an attack on a prison in Yemen freed more than two-dozen prisoners, including several al-Qaeda members.²⁴⁸ In July 2013, 250 prisoners, most of whom were militants, were freed by the Pakistani Taliban in an attack led by a commander who had been freed in a prison break the year before.²⁴⁹ Just a few days earlier, hundreds of prisoners, including several senior al-Qaeda figures, were freed in a prison break in Iraq.²⁵⁰

The strategy of initiating prison breaks has a long history among al-Qaeda-associated groups, beginning with the

Yemeni jailbreak in 2006 that led to the emergence of AQAP. During that breakout, 23 inmates escaped through a 460-foot tunnel into a nearby mosque, two of whom went on to become the leader and deputy leader of the al-Qaeda affiliate.²⁵¹ In 2008 and 2011, the Afghan Taliban led attacks on the Sarposha prison in Kandahar Province that freed an astounding 1,700 prisoners.²⁵² Many prisons in the Middle East and South Asia lack the capacity to defend themselves against these kinds of armed attacks, and the ability of al-Qaeda-associated groups to free imprisoned militants may enable them to regenerate their capabilities.

Growing Sunni-Shia Rift in the Middle East and South Asia

From Lebanon to Afghanistan, the two dominant sects of Islam—Sunnism and Shiism—are in increasingly violent opposition to one another. The conflict in Syria has morphed from a popular uprising into a sectarian civil war pitting the country’s Sunni Muslim majority against President Bashar al-Assad’s minority Alawite sect, which is associated with Shia Islam and has been supported with weapons and funds by Iran’s Shia rulers.²⁵³ Factions of the armed opposition have reportedly targeted Shia and Alawite civilians purely on the basis of their religion, and rebel leaders have threatened to destroy entire Shia and Alawite villages.²⁵⁴

Meanwhile, IS escalated its sectarian violence even further as it advanced across northern Iraq. In Tikrit, it conducted mass executions of captured Iraqi soldiers killing between 160 and 190 men from June 11 to 14, according to an analysis by Human Rights Watch, though the number could be even higher.²⁵⁵ Far from denying the massacre, IS instead announced that it had executed 1,700 “Shi’a members of the army.”²⁵⁶ In June 2014, IS also mortared the Askariya Shrine in Samarra—which is holy to Shia Muslims—killing six and damaging the shrine.²⁵⁷ In 2006,

al-Qaeda in Iraq, the precursor group to IS, bombed the shrine and helped set off Iraq's sectarian civil war.²⁵⁸

There are signs that Shia militias are retaliating in kind. On June 16, 2014, 44 Sunni prisoners were shot at a police station near Baghdad.²⁵⁹ In addition, thousands of Shia have sought to join militias to defend Baghdad, and Shia militias have played an important role in slowing IS advances.²⁶⁰

The sectarian conflicts in Syria and Iraq have also spilled over into Lebanon and Egypt. On June 23, 2013, in Lebanon's port city of Sidon, soldiers clashed with supporters of a hard-line Sunni cleric, Sheikh Ahmed al-Assir, who had spoken out vehemently against the Syrian regime, as well as the Lebanese militant group Hezbollah, which had entered the Syrian conflict on the government's side.²⁶¹ Al-Assir's supporters had previously fought with supporters of Hezbollah, but the June gun battles marked the first time that Lebanese security forces had clashed with a domestic militant group since the beginning of the Syrian war.²⁶² A series of suicide attacks in Lebanon in early 2014 conducted by the al-Qaeda-affiliated Abdullah Azzam brigades and Jabhat al-Nusra, in addition to continued clashes along the Lebanon-Syria border, threaten to further escalate sectarian tension in the country.²⁶³

Sectarian violence has also soared in South Asia over the past few years.²⁶⁴ More than 180 members of Pakistan's minority Shia Hazara community were killed in two massive bombings in the first two months of 2013 alone.²⁶⁵ In neighboring Afghanistan, violent attacks on Shia Muslims are somewhat more rare, but in December 2011, two nearly simultaneous suicide bombs in Kabul and Mazar-i-Sharif killed more than 60 Shia civilians as they celebrated the annual religious festival of Ashura.²⁶⁶ More recently, on July 25, 2014, suspected Taliban militants killed 15 members of Afghanistan's Shia Hazara minority, including a three-year-old, after stopping buses and separating Hazara passengers from the others.²⁶⁷

Sectarian tensions are expected to continue boiling across the Muslim world, as the Syrian and Iraqi conflicts grind on and political and social unrest persist in many countries in the region. Al-Qaeda-affiliated groups will seek to exploit these sectarian divisions to garner support for their own violent agendas and may well find greater room to operate because of it. Saudi Arabia and Qatar have mobilized their deep coffers to support extremist Sunni groups in the past and will continue to do so as long as it means they are able to counterbalance Iran and its support for Shia regimes and militant groups. This use of regional proxies has existed across the region for decades and will likely continue, exacerbating the Shia-Sunni divide.

The Role of Social Media

Increased access to the Internet and use of online social media tools creates situations in which crises can emerge and spread rapidly, especially when an action infringes upon values held dear by many in the broader Middle East, for example the desecration or denigration of Islamic symbols. This potential was on full display in September 2012 when the "Innocence of Muslims," an anti-Islam YouTube video, went viral and sparked protests across the Middle East.²⁶⁸ The precise role of the video in motivating the attack on the Benghazi consulate remains debated, though a *New York Times* investigation found evidence that the video helped create an environment in which the attack could occur.²⁶⁹

Whatever its precise role in the attack in Benghazi, the video demonstrates the power of new media to generate crises. The persistence of the reaction to the 2006 Danish cartoons of the Prophet Muhammed, for example, suggests that the crises sparked by the "Innocence of Muslims" video are not unique and similar events are likely to occur again.²⁷⁰

Social media is also playing a role in encouraging foreign fighters in the Syrian conflict, according to a study by the International Centre for the Study of Radicalisation

and Political Violence. That study found that two radical Muslim clerics—American cleric Ahmad Musa Jibril and the Australian preacher Musa Cerantonio—are “important figures whose political, moral and spiritual messages are considered attractive to a number of foreign fighters.”²⁷¹

Many of the foreign fighters in Syria are avid posters on YouTube, Facebook, and Twitter. Indeed, the suicide attack by the Floridian Moner Mohammad Abu-Salha in May 2014 was documented by al-Qaeda’s propaganda arm in Syria

and posted on YouTube. If Vietnam was the first war to be covered by television, and the Gulf War was the first war carried live by cable news, in many ways Syria is the first social media war—where the conflict is largely documented on YouTube, Facebook, and Twitter. All of these innovative tools were, of course, invented in the United States. The irony that al-Qaeda members in Syria use these tools routinely is no doubt lost on most of them. Al-Qaeda doesn’t really do irony.



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Chapter 6: Potential Targets for Al-Qaeda Attacks

While the al-Qaeda core has been decimated by U.S. offensive operations, and defensive countermeasures make it unlikely, though not impossible, that its affiliates or other terrorist organizations will be able to successfully strike within the United States, a number of potential targets remain.

One such target is commercial aviation. Since its emergence, al-Qaeda and its associates have demonstrated a strong interest in targeting commercial flights. The 9/11 attacks were their most successful attempt, but those were followed by Richard Reid's shoe-bombing attempt in December 2001 and a plot to bring down transatlantic airliners using liquid explosives in 2006. Even as the al-Qaeda core began to lose its power, AQAP continued the trend with Abdulmutallab's "underwear bomb" in 2009. In 2010, AQAP also attempted to bring down cargo planes en route to the United States by putting packaged bombs on the planes. Ibrahim al-Asiri, AQAP's master bomb-maker, remains at large.²⁷² Asiri was responsible for the explosives used in the 2009 Christmas Day plot and the 2010 cargo planes plot. Reports also link him to a July 2014 warning regarding potential attacks using bombs hidden in computers.²⁷³

The threat to aviation is increased by the proliferation of Man Portable Air Defense Systems (MANPADS). In 2002, al-Qaeda nearly brought down an Israeli airliner in Kenya using surface-to-air missiles.²⁷⁴ In 2013, the Associated Press obtained a manual possessed by AQIM that provided instructions on using the SA-7 surface-to-air missile.²⁷⁵ A Sahel member state of the United Nations recently informed the organization's Analytical Support and Sanctions Monitoring Team that it had seized similar missiles from an al-Qaeda affiliate in the Sahel.²⁷⁶ Al-Shabaab has also acquired SA-18 MANPADS, one of which was used to shoot down a cargo plane departing from Mogadishu's airport in 2007.²⁷⁷ More recently, Egyptian Islamists using a surface-to-air missile shot down an Egyptian military helicopter in the Sinai Peninsula. The spread of such weaponry in North Africa may put commercial flights at risk.²⁷⁸

The fall of Muammar Qaddafi's regime in 2011 allowed the Libyan stockpile of MANPADS to proliferate among a variety of armed groups. According to U.S. State Department estimates, Libya had a stockpile of 20,000 MANPADS, but by February 2012, the United States had only recovered and accounted for 5,000.²⁷⁹ However, according to the United Nations, the Libyan MANPADS are unlikely to still be functional as their batteries decay over time.²⁸⁰

The Syrian conflict also provides a new opportunity for al-Qaeda groups to obtain MANPADS. The Syrian MANPADS stockpile is roughly the same size as Libya's, though some of its weapons are more technologically advanced.²⁸¹ The extent of Syria's loss of control over the systems is unclear, but videos from the conflict show rebels with MANPADS of undetermined origin.²⁸² Additionally, security surrounding MANPADS stockpiles remains insufficient in much of Africa.²⁸³

Forty aircraft have been hit by MANPADS since 1975, of which 28 crashed, killing more than 800 people.²⁸⁴ In August 2014, the Federal Aviation Administration banned U.S. airlines from flying over Syria, noting that armed groups in the country are "known to be equipped with a variety of anti-aircraft weapons which have the capability to threaten civilian aircraft."²⁸⁵

Airports themselves also remain targets. The Pakistani Taliban attacked Jinnah International Airport in Karachi on June 7, 2014, killing 13 people before all ten attackers were killed by security forces, and gunmen fired on an airplane as it was landing at Peshawar airport three weeks later, killing one woman and injuring two other people.^{286,287} Rockets fired by Hamas toward Israel's Ben Gurion International Airport resulted in the Federal Aviation Administration suspending all U.S. flights to the airport for 24 hours on July 22, 2014.²⁸⁸

Other likely targets for al-Qaeda groups are oil and energy infrastructure. In 2013, the assault and hostage-taking at

the In Amenas gas plant in Algeria provided a reminder that oil and gas workers and companies remain vulnerable to al-Qaeda attacks.²⁸⁹ Indeed, oil fields in Iraq have been a main focus of the Islamic State's offensive, and the group is believed by Iraqi officials to be generating a multimillion-dollar income from the four oil fields they have seized.^{290,291}

Tourists, hotels, and places frequented by Western visitors remain likely targets. Al-Qaeda and its affiliates have repeatedly demonstrated their interest and ability to attack such soft targets. In October 2002, al-Qaeda and Jemaah Islamiya attacked two nightclubs frequented by tourists in Bali, Indonesia, killing around 180 people.²⁹² In November 2002, al-Qaeda attacked an Israeli-owned hotel in Mombasa, and in 2005, al-Qaeda in Iraq attacked three U.S. brand-name hotels in Amman, Jordan, killing 56 people.^{293,294} In 2008, Lashkar-e-Taiba killed 165 people in attacks on the Taj hotel and other targets in Mumbai.²⁹⁵ The same year, a truck bomb killed 40 people in an attack on the Marriott hotel in Islamabad, Pakistan.²⁹⁶ A year later, suicide-bomb attacks at the Ritz Carlton and Marriott hotels in Jakarta, Indonesia, killed nine.²⁹⁷ The 2013 attack by al-Shabaab on the Westgate mall provides another example of armed attacks on lightly defended locations frequented by foreigners and tourists.

Kidnapping for ransom has become a common tactic among al-Qaeda-associated groups.²⁹⁸ Zawahiri has promoted the use of kidnapping as a tactic, while AQAP and AQIM also encouraged the use of kidnapping in a letter between their leaders, and many al-Qaeda-associated groups have been drawn to the tactic as a means of financing themselves.²⁹⁹ The U.N. Analytical Support and Sanction Monitoring Team estimates that AQAP alone may have received \$20 million between 2011 and 2013.³⁰⁰ Kidnapping for ransom has provided al-Qaeda and its affiliates with revenue of some \$125 million since 2008, according to *The New York Times*.³⁰¹

Much of this revenue reportedly comes from France. French media reported that the government had paid 20 million euros (about \$28 million) for the release of four employees of a French nuclear firm. They were held by an al-Qaeda affiliate for three years in northern Niger and were released in 2013. The French government denied paying a ransom, but *The New York Times* indicated—based on reports from *Le Monde* and Agence France-Presse—that France did pay in that case and has paid out a total of some \$58 million to al-Qaeda or related groups.^{302,303} The *Times* also found that of the 53 hostages known to have been taken by al-Qaeda and its affiliates during the past five years, a third were French.³⁰⁴

IS demanded 100 million euros (\$132.5 million) in ransom for the release of James Foley, the American journalist kidnapped and killed by the terrorist group in Syria, according to a spokesman for *GlobalPost*, the news website for which Foley freelanced.³⁰⁵ It was never a serious demand, far exceeding the amounts of money paid for hostages held by jihadist militant groups in the past, which typically ranged up to several million dollars. But the demand does shine a light on two uncomfortable facts about “kidnap & ransom” (or “K&R”) and the dark netherworld of professionals who work to negotiate between murderous groups like IS and the terrified families whose loved ones have been kidnapped. The first uncomfortable fact is that if you pay a ransom, a hostage is more likely to be released. The other is that every time a ransom is paid, it increases the chance that other hostages will be taken to help fill the coffers of a terrorist group.

The French government's purported policy of negotiating with militant groups for the release of kidnapped citizens does appear to work. Four French journalists—Nicolas Henin, Pierre Torres, Edouard Elias, and Didier François, who were kidnapped in Syria last year by IS—were released near the Turkish border in April, blindfolded and with their hands bound.³⁰⁶ One of those hostages, Henin, had been

held by IS alongside Foley.³⁰⁷ Henin is free, and Foley is dead. On September 2, 2014 IS beheaded Steven Sotloff, a freelance American journalist who was kidnapped in August 2013.

The Islamic State currently holds two Americans. Their names have not been publicly disclosed. Two Italian women are reported to be among the militant group's newest captives.³⁰⁸ A Dane and a Japanese national were seized along with the two Italians.³⁰⁹

For these hostages, there is always the chance that their governments will mount a rescue operation, as the United States did in Syria in early July 2014 to try and rescue Foley and the other Americans. That mission failed because the hostages had been moved from a location they had been kept in for some months. There is also the possibility that hostages could escape, as American photographer

Matthew Schrier did in 2013 when he managed to crawl out of a window of the prison where he was being held in the Syrian city of Aleppo by an Islamist militant group.³¹⁰ But such escapes are rare, and while successful rescue efforts do happen, they are fraught with risks for the hostages. Linda Norgrove, for instance, a British aid worker held by the Taliban in Afghanistan in 2010, was killed in a U.S. rescue operation, when a grenade exploded near her.³¹¹ If there's not an escape or a successful rescue effort, Western governments whose citizens are held by IS have only the options of either a negotiation involving ransom or the real possibility that their hostages may be executed.

In Pakistan, al-Qaeda continues to hold Warren Weinstein, an American aid worker, whose kidnapping in Lahore has been touted as a success by *Zawahiri*.³¹²

Muslim Public Opinion about Jihadist Groups

Six out of ten Muslims across 11 Muslim countries are concerned about the threat of extremism in their countries, according to Pew Research poll for the year 2013.³¹³ Al-Qaeda polled extremely unfavorably in that survey, with a median of 57 percent of people saying they held an unfavorable view of the group.³¹⁴ The Taliban was viewed unfavorably by 65 percent of people in Pakistan, and a median of 51 percent of the Muslim public across the 11 other countries viewed them unfavorably as well.³¹⁵ Nearly all of Nigerians—95 percent—see Boko Haram as a “major threat” to their country's future.³¹⁶



Chapter 7: Future Threats

Emerging technologies are opening up new vulnerabilities that violent non-state actors might exploit. In particular, advances in biological sciences and the diffusion of chemical weapons present several challenges, while crude forms of cyber attacks are increasingly available to terrorist groups. Yet in these cases, there are limitations to the abilities of non-state actors to take advantage of the new technology. Going forward, the United States will have to craft a strategy that accommodates the risks posed by these new technologies, without overhyping the threats they pose.

The Cyber Threat

The past decade has witnessed debates over the nature of the threat posed by cyberterrorism and cyber warfare rise and fall. In 2009, after years of debate over cyberterrorism post-9/11, a working group on the use of the Internet for terrorist purposes under the auspices of the U.N. Security Council concluded: “There is not yet an obvious terrorist threat in the area.”³¹⁷

Cybersecurity is a serious policy issue and the risks, particularly regarding critical infrastructures, require attention. The vulnerabilities do exist, the question is: in which circumstances do they actually pose a threat and by whom? A lot more data is available today about the nature of vulnerabilities that do exist and recent incidents illustrate how they can be exploited. The Stuxnet malware discovered in 2010 was a game-changer in the cybersecurity debate in many ways. It demonstrated how the critical infrastructure of a high-profile political target, the nuclear facility Natanz in Iran, could fall victim to a cyber attack. The level of sophistication of the malware was unprecedented and affected the facility even though it was disconnected—“airgapped”—from the public Internet.³¹⁸

Stuxnet was not an isolated event. A January 2014 report by the Center for Strategic and International Studies points out that Iran’s “Cyber Army is the likely source of a recent series

of incidents aimed at Gulf energy companies, American banks, and Israel. The most important involved a major disruption involving the destruction of data on computers used by Saudi Aramco and RasGas.”³¹⁹

The Syrian Electronic Army illustrated the potential to undermine trust in the financial system when it hacked the Associated Press’s Twitter account in 2013 to falsely report both an attack on the White House and the Dow Jones Industrial Average dropping by 150 points.³²⁰ While technically not comparable to Stuxnet, and its effect was only temporary—the White House quickly refuted the false reporting—it nevertheless demonstrates the existence of a new tool for non-state and state actors alike.

These three examples also underscore the wide range and the very significant differences among cyber threats. The actions by the Syrian Electronic Army did not cause a physical effect; they changed data and the content of the Associated Press’s reporting. The disruption of Saudi Aramco’s operation was due to the destruction of data, but it did not cause a physical effect, either. Stuxnet, on the other hand, had a physical impact, making Iranian uranium-enrichment centrifuges spin at a rate they were not supposed to.

Overall, the cybersecurity debate has matured but does not yet sufficiently distinguish among the various threats. The next step must be a more nuanced approach to address this problem and a more careful use of terms—especially “cyber attack,” “cyber war,” and “cyberterrorism.”

When it comes to assessing whether terrorists are a likely cyber threat, two critical questions are worth raising. First, under which scenarios could a cyber attack cause the kind of terror among the population that terrorists hope to achieve? Second, is a cyber attack actually the easiest way for terrorists to achieve that goal or are traditional methods cheaper and more effective?

Non-state actors do play a significant role and contribute to existing cyber threats—the Syrian Electronic Army is only one example. Criminals have increasingly been using cyberspace and are developing increasingly sophisticated malware for economic gains. This malware can also be used for political purposes. Ron Deibert, director of the Citizen Lab, points out that “while remarkably complex in some ways, Stuxnet is hardly extraordinary in others. Some analysts have described it as a Frankenstein of existing cyber criminal tradecraft.”³²¹ Criminal malware therefore becomes packaged and part and parcel of more sophisticated cyber weapons.

The United States faces a series of challenges to address this problem, including the following three: (1) institutional challenges, (2) legal challenges, and (3) policy challenges. The institutional challenge of reforming the bureaucracy to address cyber threats continues and has not been resolved. The roles of the National Security Agency (NSA) and the Department of Homeland Security (DHS) remain contested, and the former’s standing has been seriously tarnished since the Edward Snowden revelations.

The legal challenges are profound as the line between the domestic and foreign spaces becomes increasingly blurred. National laws and authorities quickly encounter limits when it comes to the transnational nature of cyberspace. Instruments such as the Convention on Cybercrime continue to face significant diplomatic opposition around the world and bilateral instruments such as mutual legal assistance treaties are cumbersome and increase transaction costs overall. In the meantime, the debate over the roles of the NSA and DHS show that the convergence of domestic and foreign policy is also encroaching on the distinction between civilian and military authorities and which protections for civil liberties and human rights apply.

U.S. policy development on cyber issues has become dominated by a focus on the military and offensive cyber

measures trumping defensive cyber measures. At the same time, the domestic debate about hardening systems, particularly those relating to critical infrastructures, and increasing resilience has been stuck. The goal of Presidential Decision Directive 63 of 1998 on Protecting America’s Critical Infrastructures was that “no later than five years from today the United States shall have achieved and shall maintain the ability to protect the nation’s critical infrastructures.” More than 15 years later, this remains the weakest link in the cybersecurity policy of the United States.³²²

The Chemical and Biological Threat

Recent advances in biological and chemical sciences raise concern regarding the potential for the use of chemical and biological weapons.³²³ Scientists have successfully created the polio virus from synthetics, as well as the virus behind the 1918 flu epidemic that killed 50 million people.³²⁴ In addition to the risk posed by the creation of deadly diseases, instability in the Middle East has provoked worries that the chemical weapons held by some states could be acquired by terrorist organizations. As the Islamic State advanced across Iraq it seized a former chemical weapons complex that still housed weapons, though American officials said they do not believe that the militant group will be able to make a functional weapon.³²⁵ In Syria, this threat has been reduced by the removal and destruction of all of Syria’s declared chemical weapons stockpile.³²⁶

The United States cannot count on moral or ideological restraints to prevent jihadist terrorist organizations from using chemical and biological weapons. Al-Qaeda and other jihadist terrorist groups have stated a willingness to use them and have, at various times, pursued rudimentary research and development efforts.³²⁷ When the al-Qaeda leadership considered whether or not to develop weapons of mass destruction, there were disagreements on a range of issues related to the potential benefits, but there was broad agreement on the legitimacy of the weapons.³²⁸

The documents captured in the May 2011 Abbottabad raid on Osama bin Laden's compound reveal continued discussion among al-Qaeda leaders about the potential of chemical and biological weapons. One letter noted: "Regarding the operations that the brothers in Yemen are intending to conduct using poison, please be careful of doing it without enough study of all aspects, including political and media reaction against the mujahidin and their image in the eyes of the public, so please pay attention to the matter."³²⁹ Another refers to the potential use of chlorine gas.³³⁰ Both references discuss pragmatic arguments regarding the use of chemical and biological weapons and show no foundational ideological or moral barrier to their use. The eighth edition of *Inspire*, published in 2012, included a justification and call for the use of chemical and biological weapons authored by Anwar al-Awlaki.³³¹

Despite almost universal acceptance of the use of biological and chemical weapons as legitimate by jihadists, neither chemical nor biological weapons have played a major role in jihadist operations. According to an investigation by New America, no jihadist has acquired chemical or biological materials or their precursors inside the United States. Moreover, al-Qaeda operatives have shown little capability in the biological sciences. Of the 79 terrorists involved in the key anti-Western jihadist attacks since 1993, only one had a background in biology.³³²

The only campaign in which al-Qaeda used chemical weapons is in Iraq, but even in this case the use of chemical weapons was not much of a success. From 2006 to early 2008, al-Qaeda in Iraq (AQI) launched a campaign of bombings using crude chlorine bombs.³³³ But the chlorine network was destroyed through the capture or killing of its members and many of its chlorine stockpiles were seized by Iraqi forces. Additionally, the use of chlorine does not appear to have provided any major benefit to the organization. As Charles Faddis, the head of CIA operations against the network, explained in an interview: "There was a

lot of effort to secure the chlorine, to get a hold of the tanks, to track these guys [who were responsible for building the chlorine bombs] down, to kill them or capture them. Meanwhile the attacks are not being particularly successful. ... The people are dying in the blast but fortunately nobody is dying from chlorine."³³⁴

The United States should take care not to incentivize jihadist attempts to obtain and use chemical and biological weapons by over-emphasizing the threat they pose and the ease of their use. Al-Qaeda, especially today, faces many hurdles to the successful use of CBRN weapons, particularly to cause mass casualties. But a communications environment that emphasizes the danger of a successful mass-casualty attack without referencing the challenges in conducting such an attack are likely to encourage further attempts by al-Qaeda to develop and use weapons of mass destruction. For example, a letter from Ayman al-Zawahiri to al-Qaeda's military commander Mohammed Atef in 1999 stated: "Despite their extreme danger, we only became aware of them [chemical and biological weapons] when the enemy drew our attention to them by repeatedly expressing concerns that they can be produced simply."³³⁵

AQI's efforts demonstrate that groups, given the right circumstances, are willing to use chemical weapons. And, while jihadists have shown little capability or operational interest in the use of biological and chemical weapons, others have. As mentioned above, 16 extremists with right-wing, left-wing, and idiosyncratic beliefs were found with rudimentary chemical and biological weapons, according to a count by New America.³³⁶ The greatest biological and chemical threat comes not from an al-Qaeda leader like Zawahiri, but from the potential for a scientist like Bruce Ivins, the perpetrator of the 2001 anthrax attacks in the United States, with training and access to dangerous material, to join the jihadist movement.



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Chapter 8: Questions to Consider

As the United States confronts the changing nature of the terrorist threat, it will have to resolve lingering questions regarding the underpinnings of its counterterrorism efforts and their effects on global stability. These issues include the determination of rules for the use of drones in combat, the legal authorization upon which future counterterrorism operations will rely, and the framework for the use of electronic surveillance domestically.

Drone Strikes and Drone Proliferation

Since 2001, the United States has relied heavily on drone strikes to conduct its counterterrorism policy. According to data from New America, the United States conducted 377 strikes in Pakistan between 2004 and August 26, 2014, killing an estimated 2,132 to 3,496 people.³³⁷ In Yemen, the United States conducted 113 strikes, killing an estimated 794 to 1,039 people, between 2002 and August 26, 2014.³³⁸ In both countries, the Obama administration sharply escalated the use of drones during its first term in office, and the high death counts, particularly the deaths of civilians, sparked debate over the rules regarding the targeting of drone strikes and the extent of their use.

In 2012, the Obama administration substantially reduced the number and pace of drone strikes in both Pakistan and Yemen.³³⁹ In addition, civilian casualties in drone strikes in Pakistan also declined substantially.³⁴⁰ According to New America data, while 97 civilians and other individuals whose status as a militant or civilian is unclear were killed in 2011, the number dropped to 38 in 2012 and then again to eight in 2013.³⁴¹ There was also a six-month pause in drone strikes in Pakistan from December 2013 to June 2014.³⁴² While these changes may be linked to the Obama administration's promises to establish rules to regulate its use of force in the war on terror, the nature of these rules remains unclear and do not rest on specific congressional authorizations.

The choices the United States makes regarding its use of drones for targeted killing operations and the rules that regulate such operations will shape the global environment in coming decades. According to a count by New America, 80 countries have some form of drone technology. Already, other countries are considering the use of drones for targeted killing operations of their own. In 2013, China considered using an armed drone for a targeted killing operation aimed at a drug lord in the mountains of southeast Asia.³⁴³

Indeed, as Ben Emmerson, the U.N. special rapporteur for counterterrorism and human rights, has noted, the rapid proliferation of drone technology means that whatever structural and legal framework the United States finally puts together for its targeted killing campaign "has to be a framework that the U.S. can live with if it is being used by Iran when it is deploying drones against Iranian dissidents hiding inside the territory of Syria or Turkey or Iraq."³⁴⁴

Authorization for Use of Military Force

Related to the questions surrounding the legal and regulatory framework for drone strikes, the United States will have to clarify the overall authorization for its counterterrorism operations. The Authorization for Use of Military Force (AUMF), passed just days after 9/11, no longer corresponds to the conflict the United States is waging. Few in Congress could have understood that what they were passing in September 2001 would authorize counterterrorism operations in several countries with which the United States is not at war, such as Pakistan, Somalia, and Yemen.

In May 2013, President Obama gave a speech arguing that the time had come to redefine the type of conflict in which the United States is engaged and reformulate these legal authorizations. He stated: "I look forward to engaging Congress and the American people in efforts to refine,

and ultimately repeal, the AUMF's mandate. And I will not sign laws designed to expand this mandate further. Our systematic effort to dismantle terrorist organizations must continue. But this war, like all wars, must end."³⁴⁵ However, there has been little movement in Congress toward such a reformation and scant public discussion of the matter.

The importance of addressing the legal basis under which counterterrorism operations are conducted is emphasized by the diffusion of al-Qaeda and the al-Qaeda core's loss of control of its affiliates. The AUMF enabled U.S. forces to wage war against the perpetrators of 9/11, but said nothing about al-Qaeda affiliates or like-minded groups that might emerge years later. With IS now expelled from the al-Qaeda network, the legal foundation for military operations against IS are unclear.

The administration justified its air strikes in Iraq during August 2014 based on the imminent threat to U.S. government employees and American citizens in the Kurdish city of Erbil who were threatened by IS advances and the humanitarian catastrophe befalling the Yazidi population in areas controlled by IS, not based on the AUMF.

However, the Obama administration is considering a new AUMF directed specifically at IS. Current U.S. policy in Iraq is "a convergence of U.S. air strikes, more arms and training for Iraqi and Kurdish forces, and persuading Sunni communities to reject the militants."³⁴⁶ The 60-day War Powers restriction, which currently authorizes the administration's actions in Iraq, could prompt the administration to seek congressional approval for a revised counterterrorism strategy that includes a new AUMF that would enable the U.S. military to carry out operations in Syria against the Islamic State.

NSA and Electronic Surveillance

On June 5, 2013, *The Guardian* revealed that the NSA had been collecting the phone records of Americans in bulk. The leak sparked a controversy regarding the legitimacy and necessity of the telephone metadata programs. Further revelations contributed to a growing debate over the potential threat to privacy and civil liberties from the programs themselves, as well as over the secrecy in which they were conducted.

When the news first broke regarding the bulk collection of American metadata, the government claimed it was essential for national security; yet an investigation by New America found that the bulk collection of American phone data prevented no attacks, and only disrupted one "material support" plot for a terrorist organization.³⁴⁷ The President's Review Commission and the Privacy and Civil Liberties Oversight Board, both of which had access to classified information, came to the same conclusion as the New America investigation: that the phone metadata program had not prevented a single terrorist attack.^{348,349}

Other NSA programs, including the surveillance conducted under Section 702 of the Foreign Intelligence Surveillance Act, which allows the U.S. government to target the communications of non-American persons "reasonably believed" to be outside the United States, have been more important in preventing terrorism than the Patriot Act's Section 215 program, which the NSA used to obtain Americans' phone data. New America's survey of cases involving indictments of people inside the United States found that surveillance under Section 702 reportedly played a role in disrupting five cases of terrorism-related activity, including a plot to bomb the New York City subway in 2009.³⁵⁰ Barton Gellman reported in *The Washington Post* that such surveillance "led directly to the 2011 capture in Abbottabad of Muhammad Tahir Shahzad, a Pakistan-based bomb builder, and Umar Patek, a suspect in a 2002

terrorist bombing on the Indonesian island of Bali.”³⁵¹ He also reported that the surveillance has made important contributions to national security on other issues, including “fresh revelations about a secret overseas nuclear project, double-dealing by an ostensible ally, a military calamity that befell an unfriendly power, and the identities of aggressive intruders into U.S. computer networks.”³⁵²

The Privacy and Civil Liberties Oversight Board, in its review of Section 702, found “that the information the program collects has been valuable and effective in protecting the nation’s security and producing useful foreign intelligence.”³⁵³ The board also found that more than a quarter of the NSA’s reports regarding international terrorism include information based on surveillance authorized under Section 702.³⁵⁴

The NSA revelations show the need to establish a firmer legal foundation for counterterrorism efforts with increased congressional oversight and public accountability. Even Director of National Intelligence James Clapper has noted that, in retrospect, the failure to consult with the American public over the bulk collection of phone metadata was a mistake.³⁵⁵ The Privacy and Civil Liberties Oversight Board was more critical, raising concerns over the constitutionality, statutory legality, and consequences of the bulk collection program.³⁵⁶

Furthermore, the public disclosures of NSA surveillance activities overseas has had substantial costs for U.S.

economic and foreign policy interests. As a report from New America’s Open Technology Institute states:

[T]he actions of the National Security Agency have already begun and will continue to cause significant damage to the interests of the United States and the global Internet community. American companies have reported declining sales overseas and lost business, especially as foreign companies turn protection from NSA spying into a competitive advantage. The erosion in trust threatens to do the most immediate damage to the cloud computing industry, which could lose billions of dollars in the next three to five years as a result. The rise of proposals from foreign governments looking to implement data localization requirements or much stronger data protection laws could also compound these losses and force changes to the architecture of the global network itself. In its foreign policy objectives, the United States has lost significant credibility not only with respect to the Internet Freedom agenda, but also in terms of broader bilateral and multilateral relations with both friendly and adversarial nations. Revelations about the extent of NSA surveillance have already colored a number of critical interactions with nations such as Germany and Brazil in the past year.³⁵⁷

As the report notes, while the government has already taken some steps to mitigate the damage, reform efforts have so far been relatively narrow.³⁵⁸



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