

Posted 3/31/16

## AFTER THE FACT

### *Ordinary policing strategies can't prevent terrorism*

*By Julius (Jay) Wachtel.* With the deadly attack in Brussels only a week old, the world sits and waits for the next shoe to drop...and the next one after that. Meanwhile the media delivers the usual talking heads, each breathlessly attributing the carnage to a deplorable failure of police and intelligence agencies to recognize what must have surely been right under their noses.

Belgium was already in the hot seat as the place where the November 2015 terrorist strikes in Paris were organized. Less than a week after Belgian commandos captured the last known participant in those attacks – he had supposedly been under their noses all along – two Belgian-born brothers took part in the slaughter in Belgium. Western Europe's so-called "battleground state" is no longer merely a source of recruits for ISIS but a target as well.

How could Belgian authorities have been so ignorant? The pair who ultimately blew themselves up in Brussels [were notorious gunslingers](#), having done hard time for robbery, shooting at police and carjacking. One had even been deported from Turkey for trying to join the jihad, and both were being sought for questioning in connection with the Paris massacre.

Actually, when it comes to being clueless Americans are no laggards. Consider the [February 1993 bombing of the World Trade Center](#), when an explosives-laden rental truck blew up in a parking garage, killing six and wounding more than a thousand. Two Al Qaeda operatives, [Ramzi Yousef and Ahmad Ajaj](#), arrived in New York City five months earlier to organize the attack. Both had been on the same flight from Pakistan but pretended not to know each other. On arrival, Yousef produced an Iraqi passport and applied for asylum. Helpful officials gave him a hearing date and sent him on his way. Ajaj wasn't as lucky. Inspectors discovered bomb-making instructions in his luggage and concluded that his passport (from Sweden) had been altered. Ajaj got six months for passport fraud while Yousef carried on. Assisted by extremists connected with a New York mosque, he acquired explosives, built a bomb and set it off. [FBI agents later conceded](#) that they were well aware of Yousef's helpmates and had even placed an informer in their cell. Alas, their source was "deactivated" shortly before the attack.

Eight years later the World Trade Center got hit again, and with far more lethal consequences. [According to an official account](#), in the months before 9/11 "the system was blinking red," with a "high probability of near-term spectacular attacks" by Al Qaeda. FBI agents and CIA analysts knew that foreign militants linked to the terror group were in the U.S. Indeed, it turns out that at least two had participated in the 2000 bombing of the *U.S.S. Cole*. At the time, though, foreign intelligence was a relatively uncoordinated affair, and agencies had little sense of what a real terrorist threat might look like. In hindsight, two lapses stand out. Months before 9/11 a Phoenix FBI agent authored a detailed memorandum warning that terrorists were attending flight schools in the U.S., possibly in connection with a plot to bomb airliners. His concerns went unheeded by superiors. An even bigger intelligence failure was in relation to hijacker Zacarias Moussaoui, a French national. While enrolled in a Minnesota flight school he behaved so oddly that instructors took the extraordinary step of contacting the Feds.

Immigration and FBI agents ultimately arrested Moussaoui on a visa violation one month before 9/11, taking him out of the game but gaining no clues as to what was just around the corner. Moussaoui eventually pled guilty to conspiracy to commit terrorism and is doing life without parole.

Before 9/11 a so-called legal and procedural “wall” effectively separated intelligence-gathering and law enforcement (click [here](#) and [here](#).) After 9/11 cooperation within and between agencies supposedly improved. Many existing departments, including the Secret Service, Customs, Immigration and the Border Patrol were placed under the umbrella of the nation’s new uber-watchdog, the Department of Homeland Security. But the prime movers and shakers in the counter-terrorism world – the CIA and FBI – weren’t included.

What did all the tinkering accomplish? In terms of prevention, precious little. As we detailed in previous posts (click [here](#) and [here](#)), virtually every major Federal terrorism case after 9/11 – from the “[Liberty City plot](#)” of 2006, when seven “homegrown terrorists” conspired to bomb FBI offices and Chicago’s Sears Tower, to the February 2012 arrest of a Moroccan national [moments before he tried to blow himself up](#) in the U.S. Capitol – was stage-managed from the start, with vehicles, “bombs” and mega-doses of encouragement helpfully supplied by informers and undercover agents.

There was [one notable exception](#). In the summer of 2009 FBI agents got wind that Colorado resident [Najibullah Zazi](#), a Pakistani immigrant, had received bomb-making training from Al Qaeda during a visit home. When he returned to Colorado Zazi began buying grooming products whose ingredients could be used to make bombs (incidentally, much like those recently used in Brussels.) Dozens of agents were soon on the case. They followed Zazi to New York City, where NYPD helped track his movements. Alas, the net was so tightly drawn that Zazi learned the authorities were watching. He returned to Colorado and was arrested within days. FBI agents discovered bomb-making instructions in Zazi’s computer and discovered that he had experimented making bombs before setting out for the Big Apple. Zazi eventually pled guilty to plotting to bomb the New York City subways and got life without parole.

What lessons can be learned from the one case that *wasn’t* a “rope-a-dope”? First, going after terrorists consumes enormous human and material resources. It takes squads of agents to monitor a single suspect 24/7, and with thousands of possible evil-doers, one cannot check out every suspicious character or situation. Still, the consequences of terrorism can be so grave and unsettling that simply making [arrests “after the fact.”](#) as in ordinary crimes, is unacceptable. When it comes to terrorism, prevention is crucial.

Of course, interrupting plots requires timely information, and plenty of it. Investigators also need ways to pick out the gems hidden in the data. Zazi was apparently done in by the [NSA’s once-secret PRISM program](#). As the software hacked through piles of international e-mail, it caught Zazi corresponding with an Al Qaeda operative whose address had been flagged in the system. Fortunately, his e-mail wasn’t encrypted.

Blame for the Paris and Brussels attacks was laid, in large part, on a dysfunctional relationship among European law enforcement and intelligence agencies, not unlike the lack of cooperation that’s long bedeviled relationships between the FBI and CIA. [Impediments to the timely analysis](#), sharing and dissemination of actionable intelligence were addressed in excruciating detail by the 9/11 Commission, so we won’t belabor them here. In final analysis, our first (and last) lines of defense are physical. With oceans

and friendly countries on each border, America holds the trump card of geography. Yet neither Zazi nor the 9/11 suspects snuck in. Zazi was a legal immigrant, while the 9/11 suspects came over on [business, visitor and student visas](#).

How did our elaborate immigration systems fail? Perhaps because they're really not so "elaborate." According to 9/11 investigators, vetting relied almost exclusively on name checks:

When we examine the outcomes of the 9/11 conspirators' engagement with the visa issuance process, we see they are consistent with a system focused on excluding intending immigrants and dependent on a name check of a database to search for criminals and terrorists. When hijackers or conspirators appeared to be intending immigrants, as happened most often when applicants were from poorer countries, they were denied a visa. If they met that threshold, however, and the name check came up clean, there was little to prevent them from entering the United States.

After the attacks [the visa process was reportedly tightened](#). But pressures to admit visitors remain substantial. With our ability to make sense of electronic chatter [increasingly compromised by encryption](#), keeping evil-minded individuals out of the U.S. obviously calls for new paradigms. What these may look like remains a work in progress.