

Executive Summary Backgrounder

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Terrorist Watch: 23 Plots Foiled Since 9/11

Jena Baker McNeill and James Jay Carafano, Ph.D.

Since the 9/11 terrorist attacks, 23 terrorist plots against the United States have been foiled. This report updates a November 2007 report from the Heritage Foundation that described 19 plots that had been foiled to date since 9/11. Less than two years later, the U.S. has foiled four more plots aimed at Americans. While some trials have ended in mistrial and charges against some suspects were dropped, significantly more individuals have been convicted and sentenced for their crimes.

These victories make the case for continued U.S. vigilance against terrorism around the globe. While these particular attacks have been disrupted, the threat remains. The Department of Homeland Security (DHS) and Congress should not construe the successes over the past eight years as a signal to reduce U.S. counterterrorism efforts.

America is truly in a long war against terrorism. To win this war, the U.S. must constantly adapt to ever-changing terrorist threats. Congress and the DHS will need to work together to provide continued support for terrorism-fighting tools, to increase information sharing and collective security efforts around the globe, and to expand vital law enforcement partnerships with local and state law enforcement and cooperation with the governments of other countries. These relationships have enabled the U.S. to disrupt the flow of money and resources to terrorist groups.

Going Forward. As a result of America's counterterrorism efforts, the U.S. has become a more dif-

ficult target for terrorists. Those who claim that the U.S. has not made progress since 2001 need only look at these 23 foiled plots for evidence to the contrary. Nevertheless, these successes demonstrate that individuals and terrorist groups are still seeking to do Americans harm and that the U.S. needs to continue fighting terrorism. Continuing the fight will require an ongoing commitment from the White House, Congress, and American citizens.

The Executive Branch. President Barack Obama pledged that his Administration would continue to build U.S. capacity and international partnerships to track down, capture, and kill terrorists around the world. The Administration also needs to continue to make combating terrorism an international effort. The U.S. cannot afford to leave our allies behind because America will not be safe without their cooperation. Specifically, the Administration and the DHS should:

- *Expand the Visa Waiver Program.* The White House should continue to bring new countries

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into the VWP that meet the requirements and desire to work with the U.S. on security matters.

- *Continue to develop relationships among foreign, federal, state, and local law enforcement.* While information fusion centers have helped increase the flow of information among the federal government and state and local law enforcement, more needs to be done to continue and expand the free flow of information at all levels. Cooperation with foreign law enforcement agencies is also essential.

Congress. Congress plays a substantial role in developing and sustaining America's counterterrorism abilities. Congress should:

- *Promptly reauthorize key sections of the PATRIOT Act and FISA.* Allowing either law to lapse would impede efforts to track terrorists and to prevent terrorist attacks, such as those that have been disrupted over the past eight years.
- *Repeal the 100 percent scanning mandates.* Pushing forward with 100 percent screening of maritime or air cargo would waste precious resources for very little gain. A better approach would be to repeal these mandates and look for a risk-based approach to security that does not undermine U.S. diplomatic relationships or unhinge the supply chain. Such measures could include expanding the Customs Trade Partnership against Terrorism (C-TPAT), a voluntary network of shippers that submit security information in exchange for expedited shipping, and the Proliferation Security Initiative (PSI), a voluntary multilateral effort of 90 nations to interdict shipments of weapons of mass destruction and related materials.

The American People. Americans need to remain energized and engaged in efforts to improve the safety of their families and communities. Americans need to be resilient, recognizing the need to protect

Americans against attack, and simultaneously prepared to carry on if an attack occurs.

The private sector is often the source of innovations in homeland security technologies, which helped law enforcement to foil the 23 attacks. To better facilitate this research and development, the private sector should:

- *Take advantage of the SAFETY Act.* The Support Anti-terrorism by Fostering Effective Technologies (SAFETY) Act of 2002 offers liability protection to companies if their technology is deployed in the event of an act of terrorism. The DHS should continue to look for better ways to inform companies about these protections and encourage them to take full advantage. Bringing the private sector under this protection will facilitate the development and deployment of new and better technologies that will keep Americans safer.

Staying Diligent. The 23 plots foiled are a credit to the hard-working and dedicated federal, state, and local law enforcement professionals in the United States and law enforcement agencies in other countries. As Americans go about their lives, they still need to remain diligent in fighting terrorism to protect their freedom, safety, security, and prosperity.

These reforms, together with diligence, an awareness of the threat, and application of the multiple lessons learned since 9/11 will make America safer.

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Background

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America is truly in a long war against terrorism. To win this war, the U.S. must constantly adapt to ever-changing terrorist threats. Congress and the DHS will need to work together to provide continued support for terrorism-fighting tools, to increase information sharing and collective security efforts around the globe, and to expand vital law enforcement partnerships with local and state law enforcement and cooperation with the governments of other countries. These relationships have enabled the U.S. to disrupt the flow of money and resources to terrorist groups.

Foiled Plots Since 9/11

In the days after 9/11, America immediately went to work to prevent another act of terrorism by reassessing

Talking Points

- Since 9/11, 23 terrorist plots against the U.S. have been foiled, including plots to collapse the Brooklyn Bridge and to blow up the Sears Tower. Many of the individuals involved in these plots have been convicted and sentenced to time in prison for their participation.
- The 23 foiled plots demonstrate why America needs to stay vigilant in its efforts to stop terrorism around the globe. America has become a more difficult target for terrorists, but the threat has not diminished.
- Adjusting and strengthening U.S. security efforts to conquer these changing threats will require Congress and the Department of Homeland Security to work together to provide continued terror-fighting legal and investigatory tools, increase information sharing and collective security efforts around the globe, and expand vital law enforcement partnerships from the local to the international level.

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U.S. counterterrorism abilities. Lessons emerged, including the need for more information sharing down to the state and local level and with our allies, more intelligence-gathering abilities, and greater integration among the U.S. government agencies and with state and local governments, industry, and private citizens. The U.S. addressed these needs by:

- Developing terrorism-fighting legal and investigatory tools, including the PATRIOT Act¹ and the expansion of Foreign Intelligence Surveillance Act (FISA), to help to identify, prosecute, and convict terrorists.
- Increasing information sharing and collective security around the globe through assistance programs, information-sharing agreements, and the sharing of counterterrorism best practices.
- Developing law enforcement partnerships from the grassroots level up, which have enabled the U.S. to disrupt the flow of money and resources to terrorist groups and to prevent acts of terrorism across the United States. The creation of Joint Terrorism Task Forces has been a key part of this effort.

However, not everyone agrees that these efforts have been successful. A September 2008 report from the American Security Project challenged the notion that the U.S. is better prepared for a terrorist attack.² However, given that there has not been another attack on U.S. soil since 9/11, it is difficult to argue that America is no safer. A review of publicly available information shows that 23 attacks have been thwarted.

Richard Reid, December 2001. A British citizen and self-professed follower of Osama bin Laden, Reid hid explosives inside his shoes before boarding a flight from Paris to Miami and attempted to light the fuse with a match. If detonated, the explosives would have damaged the plane. Reid was caught in the act and apprehended on board the plane by the flight attendants and passengers. FBI officials took Reid into custody after the plane made an emergency landing at Boston's Logan International Airport.³

In 2003, Reid was found guilty on charges of terrorism, and a U.S. federal court sentenced him to life imprisonment.⁴

Jose Padilla, May 2002. U.S. officials arrested Padilla in May 2002 at O'Hare Airport in Chicago as he returned to the United States from Pakistan. He was initially charging as an enemy combatant and for planning to use a "dirty bomb" (an explosive laced with radioactive material) in an attack against America.⁵ Prior to his conviction, Padilla brought a case against the federal government claiming that he had been denied the right of habeas corpus (the right of an individual to petition against unlawful imprisonment). In a 5–4 decision, the U.S. Supreme Court found that the case against him had been filed improperly.⁶ In 2005, the government indicted Padilla for conspiring with Islamic terrorist groups.

In August 2007, Padilla was found guilty by a civilian jury after a three-month trial. He was later sentenced by the U.S. District Court for the Southern District of Florida to 17 years and four months in prison.⁷

1. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Public Law 107–56.
2. Bernard I. Finel, "Are We Winning? Measuring Progress in the Struggle Against Violent Jihadism," American Security Project, September 2007, at http://www.americansecurityproject.org/files/ASP_RPTWeb_0.pdf (May 1, 2009).
3. Pam Belluck, "Crew Grabs Man: Explosive Feared," *The New York Times*, December 23, 2001, at <http://www.nytimes.com/2001/12/23/us/crew-grabs-man-explosive-feared.html> (April 1, 2009).
4. Associated Press News and Information Research Center, "List of Foiled Terrorist Plots," *Newsday*, July 6, 2007, at <http://www.newsday.com/news/local/newyork/am-foiledplots0603,0,7211531.story> (April 2, 2009), and Maria Ressa, "Sources: Reid Is Al Qaeda Operative," CNN, at <http://www.cnn.com/2003/WORLD/asiapcf/southeast/01/30/reid.alqaeda> (June 24, 2009).
5. BBC News, "Profile, Jose Padilla," August 16, 2007, at <http://news.bbc.co.uk/2/hi/americas/2037444.stm> (April 29, 2009).
6. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).
7. Kirk Semple, "Padilla Gets 17 Years in Conspiracy Case," *The New York Times*, January 23, 2008, at <http://www.nytimes.com/2008/01/23/us/23padilla.html> (April 29, 2009).

Lackawanna Six, September 2002. When the FBI arrested Sahim Alwan, Yahya Goba, Yasein Taher, Faysal Galab, Shafal Mosed, and Mukhtar al-Bakri, the press dubbed them the “Lackawanna Six,” the “Buffalo Six,” or the “Buffalo Cell.” Five of the six had been born and raised in Lackawanna, New York.⁸ These six American citizens of Yemeni descent were arrested for conspiring with terrorist groups. They had stated that they were going to Pakistan to attend a religious training camp, but instead attended an al-Qaeda jihadist camp.

All six pleaded guilty in 2003 to providing support to al-Qaeda. Goba and al-Bakri were sentenced to 10 years in prison, Taher and Mosed to eight years, Alwan to seven and a half years, and Galab to seven years.⁹

Iyman Faris, May 2003. Faris is a naturalized U.S. citizen originally from Kashmir and lived in Columbus, Ohio. He was arrested for conspiring to use blowtorches to collapse the Brooklyn Bridge.¹⁰ The New York City Police Department learned of the plot and increased police surveillance around the bridge. Faced with the additional security, Faris and his superiors decided to cancel the attack.¹¹

Faris pleaded guilty to conspiracy and providing material support to al-Qaeda and was later sentenced in federal district court to 20 years, the maximum allowed under his plea agreement.¹²

Virginia Jihad Network, June 2003. In Alexandria, Virginia, 11 men were arrested for weapons counts and for violating the Neutrality Acts, which prohibit U.S. citizens and residents from attacking countries with which the United States is at peace. Four of the 11 men pleaded guilty. Upon further investigation, the remaining seven were indicated on additional charges of conspiring to support terrorist organizations. They were found to have connections with al-Qaeda, the Taliban, and Lashkar-i-Taiba, a terrorist organization that targets the Indian government. The authorities stated that the Virginia men had used paintball games to train and prepare for battle. The group had also acquired surveillance and night vision equipment and wireless video cameras.¹³

Ali al-Timimi, the spiritual leader of the group, was found guilty of soliciting individuals to assault the United States and sentenced to life in prison. Ali Asad Chandia received 15 years for supporting Lashkar-i-Taiba, but maintains his innocence.¹⁴ Randoll Todd Royer, Ibrahim al-Hamdi, Yong Ki Kwon, Khwaja Mahmood Hasan, Muhammed Aatique, and Donald T. Surratt pleaded guilty and were sentenced to prison terms. Masoud Khan, Seifullah Chapman, and Hammad Adur-Raheem were found guilty at trial and later sentenced.¹⁵

Dhiren Barot, August 2004. Members of a terrorist cell led by Dhiren Barot were arrested for plot-

8. Michael Powell, “No Choice But Guilty,” *The Washington Post*, July 23, 2008, p. A1.

9. Roya Aziz and Monica Lam, “Profiles: The Lackawanna Cell,” PBS, at <http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html> (June 8, 2009).

10. Eric Lichtblau and Monica Davey, “Threats and Responses: Terror; Suspect in Plot on Bridge Drew Interest Earlier,” *The New York Times*, June 21, 2003, at <http://www.nytimes.com/2003/06/21/us/threats-and-responses-terror-suspect-in-plot-on-bridge-drew-interest-earlier.html> (April 28, 2009).

11. Eric Lichtblau, “Trucker Sentenced to 20 Years in Plot Against Brooklyn Bridge,” *The New York Times*, October 29, 2003, at <http://www.nytimes.com/2003/10/29/us/trucker-sentenced-to-20-years-in-plot-against-brooklyn-bridge.html> (April 27, 2009).

12. *Ibid.*

13. Jerry Markon and Mary Beth Sheridan, “Indictment Expands ‘Va. Jihad’ Charges,” *The Washington Post*, September 26, 2003, p. B1, at <http://www.washingtonpost.com/wp-dyn/articles/A2730-2003Sep25.html> (April 26, 2009).

14. Jerry Markon, “Teacher Sentenced for Aiding Terrorists,” *The Washington Post*, August 26, 2006, p. B1, at <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/25/AR2006082500460.html> (April 26, 2009).

15. Markon and Sheridan, “Indictment Expands Va. Jihad Charges,” and press release, “Virginia Jihad’ Member Sentenced to 121 Months in Prison,” U.S. Department of Justice, July 24, 2007. Royer was sentenced to 20 years in prison, al-Hamdi to 15 years, Kwon to 11.5 years, Hasan to 11.5 years, Aatique to 10 years and two months, and Surratt to three years and 10 months. Khan was sentenced to life in prison, Chapman to 65 years, and Abdur-Raheem to 52 months.

ting to attack the New York Stock Exchange and other financial institutions in New York, Washington, and Newark, New Jersey. They were later accused of planning attacks in England. The plots included a “memorable black day of terror” that would have included detonating a dirty bomb.¹⁶ A July 2004 police raid on Barot’s house in Pakistan discovered a number of incriminating files on a laptop computer, including instructions for building car bombs.¹⁷

Dhiren Barot pleaded guilty and was convicted in the United Kingdom for conspiracy to commit mass murder and sentenced to 40 years.¹⁸ However, in May 2007, his sentence was reduced to 30 years.¹⁹

James Elshafay and Shahawar Matin Siraj, August 2004. James Elshafay and Shahawar Matin Siraj were arrested for plotting to bomb a subway station near Madison Square Garden in New York City before the Republican National Convention.²⁰ An undercover detective from New York City Police Department’s Intelligence Division infiltrated the group, providing information to authorities, and later testified against Elshafay and Siraj.²¹

Siraj was convicted and sentenced to 30 years in prison. Elshafay, a U.S. citizen, pleaded guilty and

received a lighter, five-year sentence for testifying against his co-conspirator.²²

Yassin Aref and Mohammad Hossain, August 2004. Two leaders of a mosque in Albany, New York, were charged with plotting to purchase a shoulder-fired grenade launcher to assassinate a Pakistani diplomat.²³ An investigation by the FBI, the Bureau of Alcohol, Tobacco and Firearms, and local police contributed to the arrest. With the help of an informant, the FBI set up a sting that lured Mohammed Hossain into a fake terrorist conspiracy. Hossain brought Yassin Araf, a Kurdish refugee, as a witness. The informant offered details of a fake terrorist plot, claiming that he needed the missiles to murder a Pakistani diplomat in New York City. Both agreed to help.²⁴

Aref and Hossain were found guilty of money laundering and conspiracy to conceal material support for terrorism and later sentenced to 15 years in prison.²⁵

Umer Hayat and Hamid Hayat, June 2005. Umer Hayat, a Pakistani immigrant, and Hamid Hayat, his American son, were arrested in Lodi, California, after allegedly lying to the FBI about Hamid’s attendance at an Islamic terrorist training camp in Pakistan.

16. Associated Press, “Two ‘Paintball’ Terrorists Sentenced Friday,” Fox News, April 9, 2004, at <http://www.foxnews.com/story/0,2933,116729,00.html> (April 11, 2009).
17. CNN, “Bomb Scare Has Echoes of Earlier Plots,” June 30, 2007, at <http://edition2.cnn.com/2007/WORLD/europe/06/29/uk.plots/index.html> (April 12, 2009).
18. BBC News, “Al-Qaeda Plotter Jailed for Life,” November 7, 2006, at http://news.bbc.co.uk/2/hi/uk_news/6123236.stm (April 20, 2009).
19. BBC News, “Dirty Bomb Man Sentence Cut,” April 16, 2007, at http://news.bbc.co.uk/2/hi/uk_news/6661371.stm (April 10, 2009).
20. Press release, “Shahawar Matin Siraj Convicted of Conspiring to Place Explosives at the 34th Street Subway Station,” U.S. Attorney’s Office, Eastern District of New York, May 24, 2006, at <http://www.usdoj.gov/usao/ny/pr/2006/2006may24.html> (June 8, 2009).
21. *Ibid.*
22. CBS and Associated Press, “Convicted Subway Terror Plotter Gets 5 Years,” March 2, 2007, at <http://wcbstv.com/local/subway.terrorist.sentence.2.242570.html> (April 29, 2009).
23. “Restaurant Holds a Slice of Life,” *Albany Times Union*, 2004, at <http://www.timesunion.com/specialreports/centralave/voices/1hossain.asp> (April 11, 2009).
24. Brendan Lyons, “Mosque Welcomed in Informant,” *Times Union* (Albany), August 8, 2004, at <http://www.timesunion.com/AspStories/story.asp?storyID=273922> (April 9, 2009).
25. Adam Liptak, “Spying Program May Be Tested by Terror Case,” *The New York Times*, August 26, 2007, at <http://www.nytimes.com/2007/08/26/us/26wiretap.html> (June 26, 2009).

Hamid was found guilty of supporting terrorism and was sentenced to 24 years.²⁶ Umer's trial ended in a mistrial. He later pleaded guilty to lying to customs agents in his attempt to carry \$28,000 into Pakistan.²⁷

Levar Haley Washington, Gregory Vernon Patterson, Hammad Riaz Samana, and Kevin James, August 2005. The members of the group were arrested in Los Angeles and charged with conspiring to attack National Guard facilities, synagogues, and other targets in the Los Angeles area. Kevin James allegedly founded Jamiyyat Ul-Islam Is-Saheeh (JIS), a radical Islamic prison group, and converted Levar Washington and others to the group. The JIS allegedly planned to finance their operations by robbing gas stations. After Washington and Patterson were arrested for robbery, police and federal agents began a terrorist investigation, and a search of Washington's apartment revealed a suspicious target list.²⁸

James and Washington pleaded guilty in December 2007. James was sentenced to 16 years in prison and Washington to 22 years. Patterson received 151 months, while Samana was found unfit to stand trial and detained in a federal prison facility.

Michael C. Reynolds, December 2005. Michael C. Reynolds was arrested by the FBI and charged with involvement in a plot to blow up a Wyoming natural gas refinery; the Transcontinental Pipeline, a natural-gas pipeline from the Gulf Coast to New

York and New Jersey; and a Standard Oil refinery in New Jersey.²⁹ He was arrested while trying to pick up a \$40,000 payment for planning the attack.³⁰ Shannen Rossmiller, his purported contact, was a Montana judge who was working with the FBI. The FBI later found explosives in a storage locker in Reynolds's hometown of Wilkes-Barre, Pennsylvania.³¹ Reynolds claimed that he was working as a private citizen to find terrorists.³²

Reynolds was convicted of providing material support to terrorists, soliciting a crime of violence, unlawful distribution of explosives, and unlawful possession of a hand grenade. He was sentenced to 30 years in prison.³³

Mohammad Zaki Amawi, Marwan Othman El-Hindi, and Zand Wassim Mazloun, February 2006. Amawi, El-Hindi, and Mazloun were arrested in Toledo, Ohio, for "conspiring to kill or injure people in the Middle East" and providing material support to terrorist organizations. They allegedly intended to build bombs for use in Iraq. The investigation was begun through the help of an informant who was approached to help to train the group.³⁴

In June 2008, all three were convicted of conspiring to commit acts of terrorism against Americans overseas, including U.S. military personnel in Iraq and other terrorism-related violations. Their sentencing is scheduled for August 2009.³⁵

Syed Haris Ahmed and Ehsanul Islam Sadequee, April 2006. Ahmed and Sadequee, from Atlanta,

26. Carolyn Marshall, "24-Year Term for Californian in Terrorism Training Case," *The New York Times*, September 11, 2007, at <http://www.nytimes.com/2007/09/11/us/11lodi.html> (April 7, 2009).

27. Press release, "Hamid Hayat Sentenced to 24 Years In Connection with Terrorism Charges," U.S. Department of Justice, September 10, 2007, at http://www.usdoj.gov/opa/pr/2007/September/07_nsd_700.html (June 24, 2009).

28. Associated Press, "Four Charged with Hatching Prison Terror Plot: California Inmates Allegedly Created Extremist Muslim Gang Behind Bars," MSNBC, August 31, 2005, at <http://www.msnbc.msn.com/id/9148467> (April 1, 2009).

29. Associated Press, "U.S. Man Sentenced to 30 Years in Plot to Blow Up Pipelines," *International Herald Tribune*, November 6, 2007.

30. Jeremy Grad, "Reynolds Gets 30 Years in Terror Plot," *Times Leader* (Wilkes-Barre, Pa.), November 7, 2007.

31. Associated Press, "U.S. Man Sentenced to 30 Years in Plot to Blow Up Pipelines."

32. Grad, "Reynolds Gets 30 Years in Terror Plot."

33. Associated Press, "U.S. Man Sentenced to 30 Years in Plot to Blow Up Pipelines."

34. Mike Wilkinson and Christina Hall, "Plan to Wage Holy War," *Toledo Blade*, February 22, 2006.

35. FOX Toledo, "Terror Convicts Sentenced in Aug," June 12, 2009, at http://www.foxtoledo.com/dpp/news/local/wupw_Terror_convicts_sentenced_Aug_25_061209 (June 16, 2009).

Georgia, were accused of conspiracy, having discussed terrorist targets with alleged terrorist organizations. They allegedly met with Islamic extremists and received training and instruction in gathering videotape surveillance of potential targets in the Washington, D.C., area, including the U.S. Capitol and the World Bank headquarters, and sent the videos to a London extremist group.³⁶

Both were indicted for providing material support to terrorist organizations and pleaded not guilty.³⁷ In June 2009, a federal district judge found Ahmed “guilty of conspiring to provide material support to terrorists here and overseas.”³⁸ Sadequee was denied bail and is awaiting trial.

Narseal Batiste, Patrick Abraham, Stanley Grant Phanor, Naudimar Herrera, Burson Augustin, Lyglenson Lemorin, and Rotschild Augustine, June 2006. Seven men were arrested in Miami and Atlanta for plotting to blow up the Sears Tower in Chicago, followed by FBI offices and other government buildings around the country. The arrests resulted from an investigation involving an FBI informant. Allegedly, Batiste was the leader of the group and first suggested attacking the Sears Tower in December 2005.³⁹

All of the suspects pleaded not guilty. On December 13, 2007, Lemorin was acquitted of all charges,⁴⁰ but the jury failed to reach a verdict on the other six. The second trial ended in a mistrial in April 2008.⁴¹ In the third trial, the jury convicted five of the men on multiple conspiracy charges⁴² and acquitted Herrera on all counts. Sentencing is set for July 26, 2009.

Assem Hammoud, July 2006. Conducting online surveillance of chat rooms, the FBI discovered a plot to attack underground transit links between New York City and New Jersey. Eight suspects including Assem Hammoud, an al-Qaeda loyalist living in Lebanon, were arrested for plotting to bomb New York City train tunnels. Hammoud, a self-proclaimed operative for al Qaeda, admitted to the plot.⁴³ He was held by Lebanese authorities, but was not extradited because the U.S. does not have an extradition treaty with Lebanon. In June 2008, Lebanese authorities released him on bail.⁴⁴ He is awaiting trial before a Lebanese military court.

Liquid Explosives Plot, August 2006. British law enforcement stopped a terrorist plot to blow up 10 U.S.-bound commercial airliners with liquid explosives.⁴⁵ Approximately 24 British persons were arrested in the London area. The style of the

36. James Jay Carafano, “U.S. Thwarts 19 Terrorist Attacks Against America Since 9/11,” Heritage Foundation *Backgrounder* No. 2085, November 13, 2007, at <http://www.heritage.org/Research/HomelandDefense/bg2085.cfm>.

37. Bill Rankin, “Atlanta Terrorism Suspect Seeks to Represent Himself,” *Atlanta Journal-Constitution*, March 3, 2009, at http://www.ajc.com/services/content/metro/atlanta/stories/2009/03/03/terrorism_suspect.html (April 11, 2009).

38. Bill Rankin, “Ex-Tech Student Found Guilty on Terrorism Charge,” *The Atlanta Journal-Constitution*, June 10, 2009, at http://www.ajc.com/metro/content/metro/stories/2009/06/10/terrorism_trial_tech.html (June 16, 2009).

39. Drew Griffin, “Indictment: Suspects Wanted to ‘Kill All the Devils We Can,’” CNN, June 24, 2006, at <http://www.cnn.com/2006/US/06/23/miami.raids/index.html> (April 11, 2009).

40. Curt Anderson, “Sears Tower Bomb Plot Case Falls Apart,” AOL News, December 14, 2007, p. 2, at http://news.aol.com/story/_a/sears-tower-bomb-plot-case-falls-apart/20071214080009990001 (April 12, 2009).

41. Julienne Gage, “Second Mistrial in ‘Liberty City 7’ Case,” *The Washington Post*, April 17, 2008, at <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/16/AR2008041603607.html> (April 13, 2009).

42. Jim Kouri, “Liberty City Six al Qaeda Cell Convicted for Conspiracy to Kill Americans,” Examiner.com, May 19, 2009, at <http://www.examiner.com/examiner/x-2684-Law-Enforcement-Examiner~y2009m5d19-Liberty-City-Six-al-Qaeda-cell-convicted-for-conspiracy-to-kill-Americans> (May 19, 2009).

43. Fox News, “FBI Busts ‘Real Deal’ Terror Plot Aimed at NYC-NJ Under Ground Transit Link Friday,” July 7, 2006, at <http://www.foxnews.com/story/0,2933,202518,00.html> (April 14, 2009).

44. Alison Gendar and Bill Hutchinson, “Assem Hammoud, Suspect in Alleged NY Tunnels Plot, Released on Bail in Lebanon,” *Daily News*, March 18, 2009, at http://www.nydailynews.com/news/us_world/2009/03/17/2009-03-17_assem_hammoud_suspect_in_alleged_new_yor.html (April 13, 2009).

plot raised speculation that al-Qaeda was behind it, but no concrete evidence has established a link.

The United Kingdom initially charged 15 of the 24 arrested individuals on charges ranging from conspiring to commit murder to planning to commit terrorist acts.⁴⁶ Eventually, only eight men were brought to trial in April 2008. In September, the jury found none of the defendants guilty of conspiring to target aircraft,⁴⁷ but found three guilty of conspiracy to murder. It was unable to reach verdicts on four of the men. One man was found not guilty on all counts.⁴⁸ Those convicted are still awaiting sentencing.

Khalid Sheikh Mohammed, March 2007. Khalid Sheikh Mohammed, captured in 2003, was allegedly involved in a number of terrorist plots and was one of the most senior of Osama bin Laden's operatives to have been captured.⁴⁹ He is being held at the U.S. military detention facility in Guantanamo Bay. In March 2007, Mohammed admitted to helping to plan, organize, and run the 9/11 attacks and claimed responsibility for the 1993 bombing of the World Trade Center and the bombings of nightclubs in Bali in 2002 and a Kenyan hotel. He has stated that he decapitated American journalist Daniel Pearl and took responsibility for helping to plan the failed attack by Richard Reid, along with plots to attack Heathrow Airport, Canary Wharf, Big Ben, targets in Israel, the Panama Canal, Los Angeles, Chicago, the Empire State building, and U.S. nuclear power stations. He had also plot-

ted to assassinate Pope John Paul II and former President Bill Clinton.

In December 2008, Mohammed and his four co-defendants (Ramzi Binalshibh, Mustafa Ahmad al-Hawsawi, Ali Abd al-Aziz Ali, and Walid Bin Attash) told the military tribunal judge that they wanted to confess and plead guilty to all charges.⁵⁰ The judge has approved the guilty plea of Mohammed and two co-defendants, but has required mental competency hearings before allowing the other two conspirators to plead guilty.

Fort Dix Plot, May 2007. Six men were arrested in a plot to attack Fort Dix, a U.S. Army base in New Jersey. The plan involved using assault rifles and grenades to attack and kill soldiers. Five of the alleged conspirators had conducted training missions in the nearby Pocono Mountains. The sixth helped to obtain weapons. The arrests were made after a 16-month FBI operation that included infiltrating the group. The investigation began after a store clerk alerted authorities after discovering a video file of the group firing weapons and calling for jihad. The group has no known direct connections to any international terrorist organization.⁵¹

In December 2008, all five were found guilty on the conspiracy charges, but acquitted of charges of attempted murder.⁵² Four were also convicted on weapons charges. All are awaiting sentencing.

JFK Airport Plot, June 2007. Four men plotted to blow up "aviation fuel tanks and pipelines at the

45. Rachel Martin, "U.S. Uncovers 'Advanced' Bomb Plot; U.S. Targeted," NPR, August 10, 2006, at <http://www.npr.org/templates/story/story.php?storyId=5632570> (April 15, 2009).

46. Reuters, "U.S. Bomb Suspects 'Radicalised Quickly,'" *The Age* (Melbourne, Australia), January 25, 2007, at <http://www.theage.com.au/news/World/UK-bomb-suspects-radicalised-quickly/2007/01/25/1169594404433.html> (April 11, 2009).

47. Associated Press, "3 Accused U.K. Airline 'Liquid Bomb' Plotters Found Guilty," Fox News, September 8, 2008, at <http://www.foxnews.com/story/0,2933,418643,00.html> (April 13, 2009).

48. Francie Grace, "Alleged 9-11 Mastermind Nabbed," CBS News, March 1, 2003, at <http://www.cbsnews.com/stories/2003/03/02/terror/main542459.shtml> (April 12, 2009).

49. BBC News, "Top 9/11 Suspects to Plead Guilty," December 8, 2008, at <http://news.bbc.co.uk/2/hi/americas/7770856.stm> (April 15, 2009).

50. *Ibid.*

51. Dale Russakoff and Dan Egan, "Six Charged in Plot to Attack Fort Dix," *The Washington Post*, May 9, 2007, p. 1, at <http://www.washingtonpost.com/wp-dyn/content/article/2007/05/08/AR2007050800465.html> (April 13, 2009).

52. Fox News, "5 Men Found Guilty of Plotting to Kill Fort Dix Soldiers," December 22, 2008, at <http://www.foxnews.com/story/0,2933,470900,00.html> (April 12, 2009).

John F. Kennedy International Airport” in New York City. They believed that such an attack would cause “greater destruction than in the Sept. 11 attacks.” Authorities stated that the attack “could have caused significant financial and psychological damage, but not major loss of life.”⁵³

Russeel Defreitas, the leader of the group, was arrested in Brooklyn. The other three members of the group—Abdul Kadir, Kareem Ibrahim, and Abdel Nur—were detained in Trinidad and were extradited in June 2008. Kadir and Nur have links to Islamic extremists in South America and the Caribbean. Kadir was an imam in Guyana, former member of the Guyanese Parliament, and mayor of Linden, Guyana. Ibrahim is a Trinidadian citizen, and Nur is a Guyanese citizen. The men pleaded not guilty to the charges and are awaiting trial.⁵⁴

Mohammed Jabarah, January 2008. Mohammad Jabarah was involved in plots to bomb U.S. embassies in Singapore and the Philippines and mass transit frequented by U.S. military personnel. He was convicted of filming U.S., Australian, and Israeli embassies and conducting surveillance of U.S. warships. He is suspected of training in al-Qaeda camps in Afghanistan and spending time with Osama bin Laden. Jabarah was arrested in 2002 by Omani police and was later transferred to American custody. In January 2008, Jabarah was sentenced to life in prison after pleading guilty to terrorism charges.⁵⁵

Hassan Abujihaad, March 2008. Hassan Abujihaad, a former U.S. Navy sailor from Phoenix, Ari-

zona, was convicted of supporting terrorism and disclosing classified information, including the location of Navy ships and their vulnerabilities to Azzam Publications, a London organization that provided material support and resources to terrorists. Abujihaad was arrested in March 2007 and pleaded not guilty to charges of supporting terrorism in April 2007. In May 2008, he was convicted by a jury and sentenced to 10 years in prison.⁵⁶

Christopher Paul, June 2008. Christopher Paul is a U.S. citizen from Columbus, Ohio. He joined al-Qaeda in the 1990s and was involved in conspiracies to target Americans in the United States and overseas. In 1999, he became connected to an Islamic terrorist cell in Germany, where he was involved in a plot to target Americans at foreign vacation resorts. He later returned to Ohio and was subsequently arrested for conspiracy to use a weapon of mass destruction, specifically explosive devices, “against targets in Europe and the United States.” Paul pleaded guilty to the charges and was sentenced to 20 years in prison.⁵⁷

Synagogue Terror Plot, May 2009. On May 20, 2009, the New York Police Department announced the arrest of James Cromite, David Williams, Onta Williams, and Laguerre Payen for plotting to blow up area Jewish centers and shoot down planes at a nearby Air National Guard Base.⁵⁸ The four had attempted to gain access to Stinger missiles and were caught in the act of placing bombs in the buildings and in a car. (The bombs were duds,

53. Anthony Faiola and Steven Mufson, “N.Y. Airport Target of Plot, Officials Say,” *The Washington Post*, June 3, 2007, p. 1, at <http://www.washingtonpost.com/wp-dyn/content/article/2007/06/02/AR2007060200606.html> (April 14, 2009).

54. *Ibid.*; WNBC (New York), “JFK Terror Plot Foiled in Planning Stages,” April 12, 2009; and Associated Press, “U.S.: ‘Unthinkable’ Terror Devastation Prevented,” MSNBC, June 3, 2007, at <http://www.msnbc.msn.com/id/18999503> (June 17, 2009).

55. Terence McKenna, “Singapore in the Cross-Hairs,” CBC News, October 11, 2004, at <http://www.cbc.ca/news/background/jabarah/singapore.html> (April 11, 2009).

56. Lloyd de Vries, “Ex-Sailor Accused of Supporting Terrorism,” March 8, 2007, CBS News, at <http://www.cbsnews.com/stories/2007/03/08/terror/main2546508.shtml> (April 14, 2009), and Mark Spencer, “Hassan Abu-Jihaad, Former U.S. Sailor Who Leaked Navy Secrets Sentenced to Ten Years,” *Hartford Courant*, April 4, 2009.

57. News release, “Ohio Man Sentenced to 20 Years for Terrorism Conspiracy to Bomb Targets in Europe and the United States,” Gregory C. Lockhart, U.S. Attorney, Southern District of Ohio, February 26, 2009, at <http://cincinnati.fbi.gov/doj/pressrel/2009/ci022609.htm> (April 29, 2009).

58. Jonathon Dienst, “FBI, NYPD Arrest 4 in Alleged Plot to Bomb NY Synagogues,” NBC News, May 21, 2009, at <http://www.nbcnewyork.com/news/local/FBI-Bust-Plot-Foiled.html> (May 21, 2009).

because undercover agents sold them fake explosives as part of an ongoing sting operation). All four men have pleaded not guilty.⁵⁹

Going Forward

As a result of America's counterterrorism efforts, the U.S. has become a more difficult target for terrorists. Those who claim that the U.S. has not made progress since 2001 need only look at these 23 foiled plots for evidence to the contrary. Nevertheless, these successes demonstrate that individuals and terrorist groups are still seeking to do Americans harm and that the U.S. needs to continue fighting terrorism. Continuing the fight will require an ongoing commitment from the White House, Congress, and American citizens.

The Executive Branch. President Barack Obama pledged that his Administration would continue to build U.S. capacity and international partnerships to track down, capture, and kill terrorists around the world. However, his recent decisions to close Guantanamo Bay by the end of 2009 and to release CIA interrogation memos have led some to question whether the U.S. has changed course in its counterterrorism efforts.

In January 2009, President Obama issued an executive order calling for the closure of the Guantanamo Bay detention center, which stated that these detainees should be prosecuted or transferred to other countries and that others should be detained "in a manner consistent with the laws of war."⁶⁰ While there are certainly underlying challenges of and questions about America's detention policies in the ongoing conflict, the United States has gained valuable intelligence from some of the Guantanamo detainees that has helped to save lives of U.S. soldiers and allies.

Furthermore, the Obama Administration recently released four memos (with few redactions) dating from 2002 to 2005 on terrorist interrogation tactics used by the CIA after 9/11.⁶¹ The Obama Administration explained this as an attempt to inform Americans on how their government had worked to protect them from transnational terrorist attacks. Yet these memos were only part of the picture and did not fully show key details of the program, including aspects that could put these interrogation policies in a more favorable light.

Shutting down Guantanamo Bay in such a short time frame and releasing the interrogation memos not only inhibits the U.S. military's antiterrorism efforts, but also suggests a potential shift away from the counterterrorism policies that helped to prevent the 23 terrorist plots. Taking the Administration's focus away from terrorism is a pre-9/11 mentality and a choice Americans cannot afford to make. By eliminating the tools that law enforcement and the military use to stop acts of terrorism, America is placing itself at risk.

The Administration also needs to continue to make combating terrorism an international effort. The U.S. cannot afford to leave our allies behind because America will not be safe without their cooperation.⁶² These allies are key not only to U.S. security interests, but also as trade partners.

Continued expansion of the Visa Waiver Program (VWP) would be an excellent way to improve global security without compromising global supply chains. VWP allows pre-approved travelers to visit the United States for up to 90 days without a visa. The program has undergone substantial security upgrades and has become a valuable security device and a useful tool of public diplomacy and trade.⁶³ By adding new VWP member countries, the U.S.

59. Associated Press, "Four Suspects in New York Terror Plot Plead Not Guilty," Fox News, June 3, 2009, at <http://www.foxnews.com/story/0,2933,525009,00.html> (June 24, 2009).

60. Barack Obama, "Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities," The White House, January 22, 2009, at http://www.whitehouse.gov/the_press_office/closureofguantanamo detention facilities (June 17, 2009).

61. James Jay Carafano, "Set the Record Straight: Publish All Key Memos on CIA Interrogations," Heritage Foundation WebMemo No. 2406, April 23, 2009, at <http://www.heritage.org/Research/HomelandSecurity/wm2406.cfm>.

62. Jena Baker McNeill and Diem Nguyen, "Reviewing DHS: The International Dimension of Homeland Security," Heritage Foundation WebMemo No. 2305, February 20, 2009, at <http://www.heritage.org/Research/HomelandSecurity/wm2305.cfm>.

would develop valuable information-sharing frameworks with countries around the globe. Through the Electronic System for Travel Authorization (ESTA), the program's online portal, the U.S. can know more about foreign travelers before they even reach U.S. soil, allowing the U.S. to focus more on keeping terrorists and other dangerous people out.⁶⁴

DHS will also need to continue leading efforts to create a homeland security enterprise,⁶⁵ both at the interagency level and on a grassroots basis, involving private citizens, industry, and state and local governments. This will help to ensure that state and local law enforcement receive critical information in a timely and efficient manner. This type of cooperation helped to disrupt many of the 23 foiled attacks listed in this report.

Specifically, the Administration and the DHS should:

- **Expand the Visa Waiver Program.** The White House should continue to bring new countries into the VWP that meet the requirements and desire to work with the U.S. on security matters.
- **Continue to develop relationships among foreign, federal, state, and local law enforcement.** While information fusion centers have helped increase the flow of information among the federal government and state and local law enforcement, more needs to be done to continue and

expand the free flow of information at all levels. Cooperation with foreign law enforcement agencies is also essential.

Congress. Congress plays a substantial role in developing and sustaining America's counterterrorism abilities. Reauthorization of the PATRIOT Act and FISA will require congressional support. FISA authorizes electronic surveillance within certain legal limits. The PATRIOT Act facilitates interagency cooperation among federal, state, and local agencies in information sharing and terrorism investigations, and it established mechanisms for conducting surveillance of modern technologies, such as cell phones.⁶⁶ Key sections of these vital terrorism-fighting tools will expire this year.

Congress also needs to reassess the unworkable mandates that it has placed on DHS. For example, in 2007, Congress enacted mandates to screen 100 percent of maritime and air cargo entering the United States. Enforcing these mandates is simply not feasible. It would require technology that is not available, and industry and America's allies are spending scarce resources trying to make it work. Instead of making the supply chain more secure, these mandates will more likely slow down the supply chain, disrupting the global economy while diverting resources from more effective security measures.⁶⁷

63. Jena Baker McNeill, James Jay Carafano, and James Dean, "Strengthening the Visa Waiver Program: A Memo to President-Elect Obama," Heritage Foundation *Special Report* No. 30, December 8, 2008, at <http://www.heritage.org/Research/Immigration/sr0030.cfm>.

64. Jena Baker McNeill, "Electronic Travel Authorization: Important for Safer and More Secure Overseas Travel," Heritage Foundation *WebMemo* No. 1964, June 19, 2008, at <http://www.heritage.org/Research/HomelandSecurity/wm1964.cfm>.

65. "Protecting America at home is a national mission that requires the concerted effort of the nation, including state and local governments, the private sector and nongovernmental organizations, local communities, families, and individuals. Many of the most vital tasks are conducted most effectively in a decentralized manner. The national enterprise must facilitate cooperation, innovation, resiliency, flexibility, and adaptability, not promote rigid Washington-centric solutions. In addition, virtually every aspect of domestic security from securing the border to disaster response has an international dimension requiring the cooperation of friends and allies around the world. We are facing threats—naturally occurring and deliberate—that can, will, and do target all elements of our society. It is therefore incumbent upon all elements of our society to work together to counter these threats." David Heyman and James Jay Carafano, "Homeland Security 3.0: Building a National Enterprise to Keep America Safe, Free, and Prosperous," Heritage Foundation *Special Report* No. 23, September 18, 2008, at <http://www.heritage.org/Research/HomelandDefense/sr23.cfm>.

66. James Jay Carafano and Alane Kochems, "Patriot Act Provisions a Priority," Heritage Foundation *WebMemo* No. 902, November 1, 2005, at <http://www.heritage.org/Research/HomelandSecurity/wm902.cfm>.

67. Jena Baker McNeill, "Disaster of 100 Percent Maritime Cargo Scanning Not Lost on Napolitano," Heritage Foundation *WebMemo* No. 2288, February 12, 2009, at <http://www.heritage.org/Research/HomelandSecurity/wm2288.cfm>.

Congress should:

- **Promptly reauthorize key sections of the PATRIOT Act and FISA.** Allowing either law to lapse would impede efforts to track terrorists and to prevent terrorist attacks, such as those that have been disrupted over the past eight years.
- **Repeal the 100 percent scanning mandates.** Pushing forward with 100 percent screening of maritime or air cargo would waste precious resources for very little gain.⁶⁸ A better approach would be to repeal these mandates and look for a risk-based approach to security that does not undermine U.S. diplomatic relationships or unhinge the supply chain. Such measures could include expanding the Customs Trade Partnership against Terrorism (C-TPAT), a voluntary network of shippers that submit security information in exchange for expedited shipping, and the Proliferation Security Initiative (PSI), a voluntary multilateral effort of 90 nations to interdict shipments of weapons of mass destruction and related materials.

The American People. Americans need to remain energized and engaged in “efforts to improve the safety of their families and communities.”⁶⁹ Americans need to be resilient, recognizing the need to protect Americans against attack, and simultaneously prepared to carry on if an attack occurs. This grassroots approach to homeland security and counterterrorism should not end with government, but should involve private citizens and the private sector. This approach reflects the principles of limited government and federalism, giving “citizens and local communities the greatest role in shaping their lives.”⁷⁰

The private sector is often the source of innovations in homeland security technologies, which

helped law enforcement to foil the 23 attacks. To better facilitate this research and development, the private sector should:

- **Take advantage of the SAFETY Act.** The Support Anti-terrorism by Fostering Effective Technologies (SAFETY) Act of 2002⁷¹ offers liability protection to companies if their technology is deployed in the event of an act of terrorism. DHS should continue to look for better ways to inform companies about these protections and encourage them to take full advantage. Bringing the private sector under this protection will facilitate the development and deployment of new and better technologies that will keep Americans safer.

Staying Diligent

The 23 plots foiled are a credit to the hard-working and dedicated federal, state, and local law enforcement professionals in the United States and law enforcement agencies in other countries. As Americans go about their lives, they still need to remain diligent in fighting terrorism to protect their freedom, safety, security, and prosperity.

These reforms, together with diligence, an awareness of the threat, and application of the multiple lessons learned since 9/11 will make America safer.

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68. *Ibid.*

69. Heyman and Carafano, “Homeland Security 3.0.”

70. James Jay Carafano, “Homeland Security in the Next Administration,” Heritage Foundation Lecture No. 1085, May 16, 2008, at <http://www.heritage.org/Research/HomelandDefense/hl1085.cfm>.

71. Public Law 107-296, §§ 861–865.