

Background

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30 Terrorist Plots Foiled: How the System Worked

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Abstract: *In 2009 alone, U.S. authorities foiled at least six terrorist plots against the United States. Since September 11, 2001, at least 30 planned terrorist attacks have been foiled, all but two of them prevented by law enforcement. The two notable exceptions are the passengers and flight attendants who subdued the “shoe bomber” in 2001 and the “underwear bomber” on Christmas Day in 2009. Bottom line: The system has generally worked well. But many tools necessary for ferreting out conspiracies and catching terrorists are under attack. Chief among them are key provisions of the PATRIOT Act that are set to expire at the end of this year. It is time for President Obama to demonstrate his commitment to keeping the country safe. Heritage Foundation national security experts provide a road map for a successful counterterrorism strategy.*

In 2009, at least six planned terrorist plots against the United States were foiled. This has led some to wonder whether the U.S. is experiencing the results of a resurgence in terrorism. However, these latest acts were not a new phenomenon: At least 30 terrorist plots against the U.S. have been foiled since 9/11. It is clear that terrorists continue to wage war against America.

President Barack Obama, however, took office determined to shed the idea of a war on terrorism. Besides an obvious change in lexicon—from the “global war on terror” to “overseas contingency operation” and from “terrorism” to “man-made disaster”—there were even more consequential actions, including the decision to prosecute foreign terrorists in U.S. civilian

Talking Points

- At least 30 terrorist plots against the United States have been foiled since 9/11. It is clear that terrorists continue to wage war against America.
- President Obama spent his first year and a half in office dismantling many of the counterterrorism tools that have kept Americans safer, including his decision to prosecute foreign terrorists in U.S. civilian courts, dismantlement of the CIA’s interrogation abilities, lackadaisical support for the PATRIOT Act, and an attempt to shut down Guantanamo Bay.
- The counterterrorism system that has worked successfully in the past must be preserved in order for the nation to be successful in fighting terrorists in the future.
- Continued success requires that the White House and Congress work together to ensure that the military, law enforcement, and intelligence communities have the tools they need to defend the country.

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courts, dismantlement of the CIA's interrogation abilities, lackadaisical support for the PATRIOT Act, and an attempt to shut down Guantanamo Bay within President Obama's first year in the White House. The danger of this new attitude was revealed all too quickly by the near-miss airline bomb plot of Christmas Day 2009.

Undoubtedly, the nation wants to be successful in fighting terrorists. The U.S. counterterrorism system has worked successfully in the past, as demonstrated by the foiled plots, and it can work successfully in the future. But continued success requires the White House and Congress to work together to ensure that the military, law enforcement, and intelligence community have the tools they need to defend the country. At the same time, it is essential that the Administration lay out its counterterrorism strategy to the American people, including next steps for aviation security, visa security, and intelligence and information sharing.

Terrorism and the Obama Administration

Homeland security and counterterrorism were relatively unexamined issues during the 2008 presidential campaign. Terrorism was not in the forefront of Americans' minds; the downward-spiraling economy and lost jobs were understandably front and center.

The discovery of the Zazi plot in September 2009 served as the first in a series of wake-up calls to the nation on the state of national security. Najibullah Zazi was arrested after purchasing large quantities of chemicals from beauty supply stores in a plot to detonate TATP bombs on the New York City subway. This plot was considered extremely serious and was in the later stages of development when Zazi was apprehended—which made the plot deeply troubling to many Americans.

Shortly thereafter, in November 2009, were the Fort Hood shootings. This attack, perpetrated by Major Nidal Hasan, a U.S. Army psychologist, was not a foiled plot. Hasan went on a shooting rampage, killing 12 and wounding 31. Evidence dem-

onstrates that he was in communication with al-Qaeda via the Internet before the attack and that the U.S. government had what should have been damaging intelligence on Major Hasan before the incident occurred.

While still questioning what led to the failure to act on the known intelligence in the case of the Fort Hood shootings, the U.S. experienced a near-miss attack on Christmas Day 2009. That day, Nigerian citizen Umar Farouk Abdulmutallab—whose own father had alerted U.S. consulate officials in Nigeria to his son's radical leanings—attempted to detonate a bomb on a Northwest flight landing in Detroit. His bomb failed to ignite, and passengers restrained him so that he could not try again.

The startling failure of authorities to connect the dots and bring together valuable pieces of information has led Americans to question whether authorities were doing what needed to be done to keep them safe. Specifically, questions center on whether the homeland security system worked, why it worked in the past, and whether it will work in the future.

How the System Has Worked

Based on public information, the U.S. has foiled at least 30 terrorist attacks since 9/11. In two cases, the outcome was the result of sheer luck. The foiling of the rest was the result of good law enforcement and effective intelligence gathering and information sharing.

1. Richard Reid, December 2001. A British citizen and self-professed follower of Osama bin Laden trained in Afghanistan, Reid hid explosives inside his shoes before boarding a flight from Paris to Miami on which he attempted to light the fuse with a match. 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.¹

In 2003, Reid was found guilty on charges of terrorism, and a U.S. federal court sentenced him to life imprisonment.²

1. 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 16, 2010).

30 Terrorist Plots Against the U.S. Foiled Since 9/11

Sheer luck and civilian bravery played roles in thwarting some of these attacks. Additionally, U.S. efforts in the war on terrorism, including operations in Afghanistan, have helped to weed out terrorist sanctuaries before they can organize attacks. Finally, domestic counterterrorism tools put in place since 9/11 have helped stop terrorists from operating on U.S. soil.

 Individuals directly involved in plot

#6. Nuradin M. Abdi is arrested and charged for plotting to bomb a shopping mall in Columbus, Ohio (November 2003).

#8. James Elshafay and **Shahawar Martin Siraj** are arrested for plotting to bomb a subway station near Madison Square Garden before the Republican National Convention (August 2004).

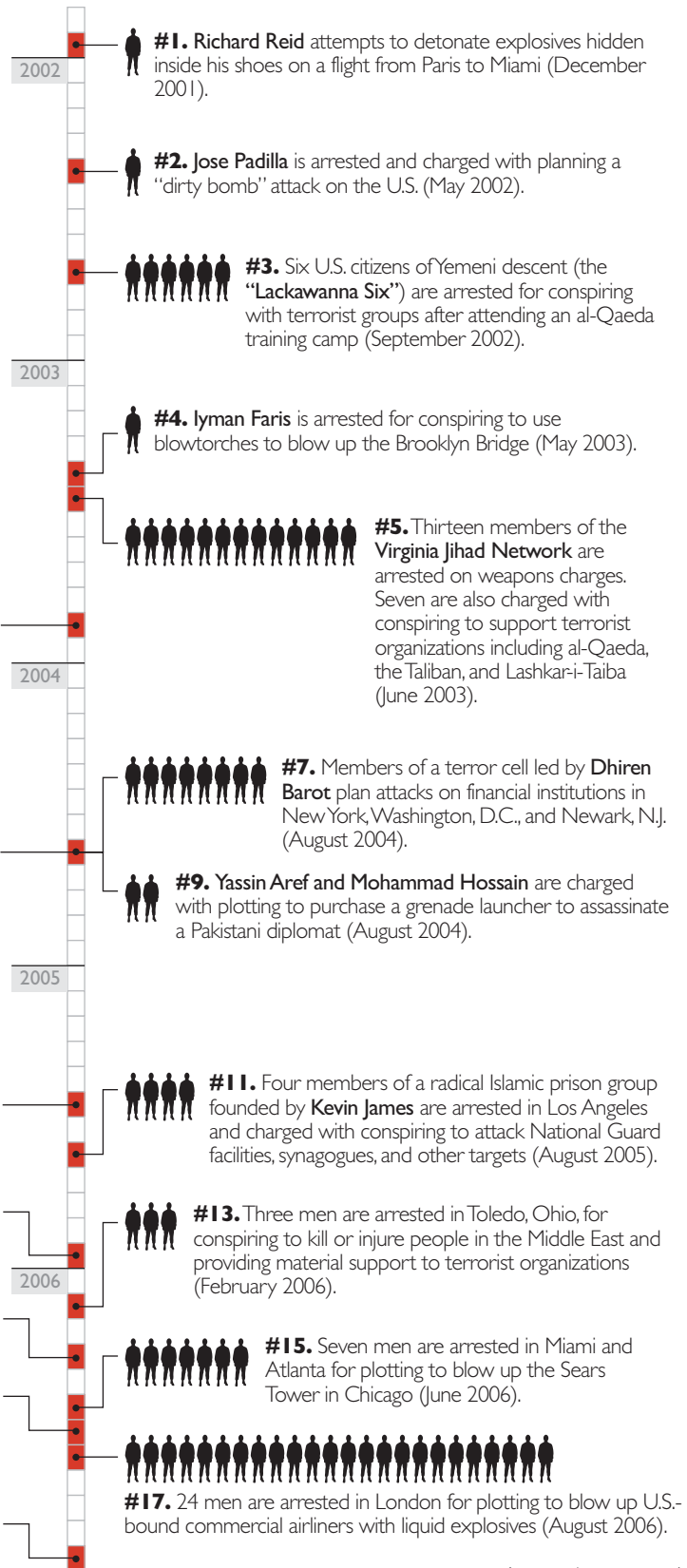
#10. Umer Hayat and **Hamid Hayat** are arrested in California for allegedly lying to the FBI about Hamid's attendance at an Islamic terrorist training center in Pakistan (June 2005).

#12. Michael C. Reynolds is arrested for a plot to blow up an oil refinery, a gas refinery, and pipelines in Wyoming and New Jersey (December 2005).

#14. Syed Haris Ahmed and **Ehsanul Islam Sadequee** are accused of conspiring to target the Capitol and the World Bank in Washington, D.C. (April 2006).

#16. Eight men including **Assem Hammoud** are arrested for plotting to attack train tunnels between New York and New Jersey (July 2006).

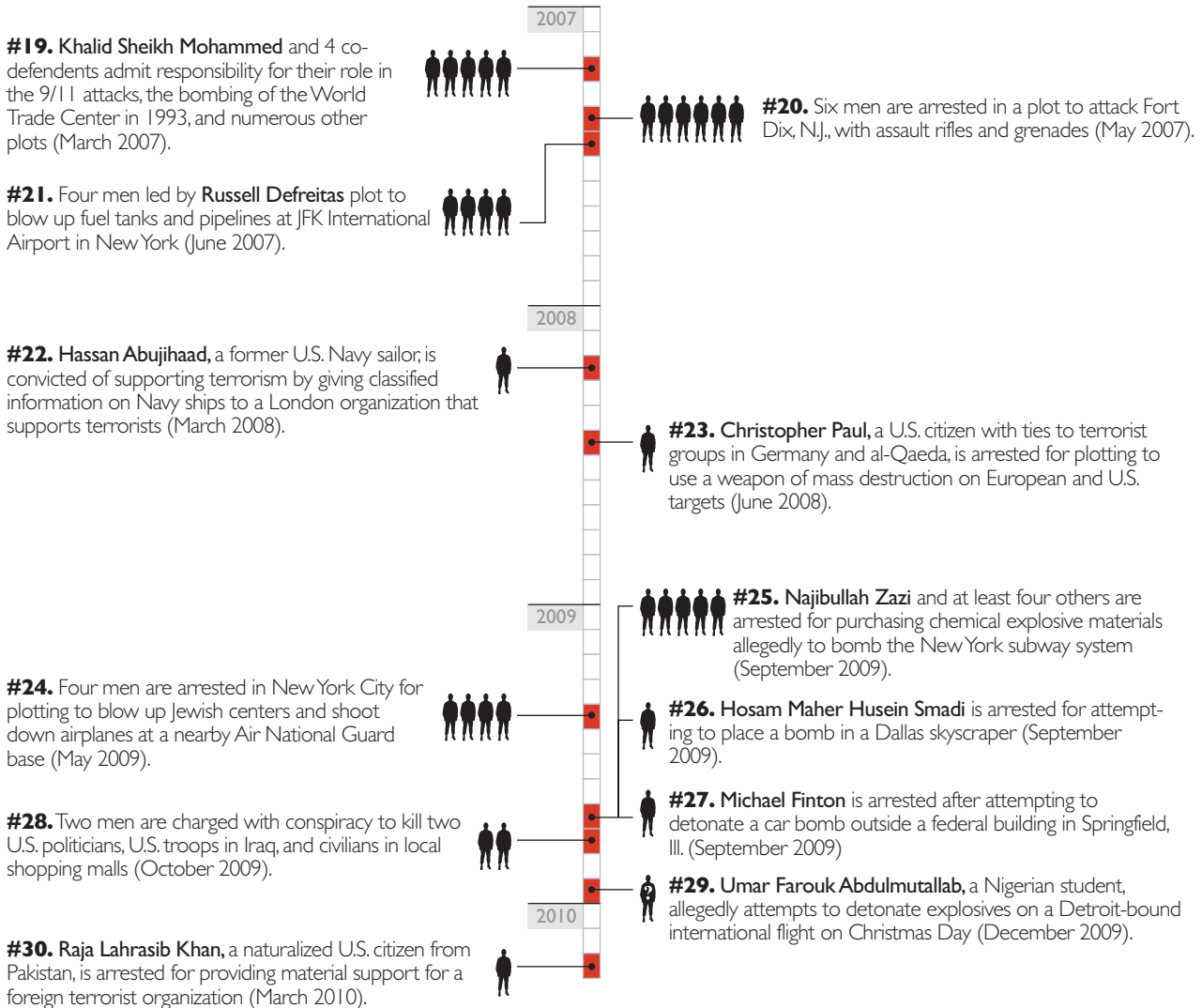
#18. Derrick Shareef is arrested for planning to set off hand grenades inside a Chicago shopping mall (December 2006).



(continued on next page)

Figure I • B 2405  heritage.org

30 Terrorist Plots Against the U.S. Foiled Since 9/11 (cont'd)



Sources: Heritage Foundation research by Jena Baker McNeill, James Jay Carafano, and Jessica Zuckerman.

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2. 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, where he met with 9/11 mastermind Khalid Sheikh Mohammed and received al-Qaeda instructions and

training.³ Upon his arrest, he was initially charged as an enemy combatant and for planning to use a dirty bomb (an explosive laced with radioactive material) in an attack against America.⁴

2. 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 16, 2009), and Maria Ressa, "Sources: Reid Is Al Qaeda Operative," CNN.com, December 6, 2003, at <http://www.cnn.com/2003/WORLD/asiapcf/southeast/01/30/reid.alqaeda> (April 16, 2010).

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-to-4 decision, the U.S. Supreme Court found that the case against him had been filed improperly.⁵ In 2005, the government indicted Padilla for conspiring against the U.S. 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.⁶ Padilla continues to attempt to have his conviction overturned.⁷

3. 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 pled 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 nine and a half years, and Galab to seven years.⁹ Mosed and Galab have since completed their sentences and have been released.¹⁰

Recent reports indicate that Jaber Elbaneh, one of the FBI’s most wanted and often considered to be a seventh member of the Lackawanna cell, has been captured in Yemen. It remains to be seen, however, whether he will be tried in the U.S., since the U.S. does not have an extradition treaty with Yemen.¹¹

4. Iyman Faris, May 2003. Faris is a naturalized U.S. citizen, originally from Kashmir, who was living in Columbus, Ohio. He was arrested for conspiring to use blowtorches to collapse the Brooklyn Bridge, a plot devised after meetings with al-Qaeda leadership including Khalid Sheikh Mohammed.¹² 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 canceled the attack.¹³

3. *Jose Padilla vs. C.T. Hanft, U.S.N. Commander, Consolidated Naval Brig.*, United States Court of Appeals for the Fourth Circuit, No. 05-6396, September 9, 2005, at <http://fl1.findlaw.com/news.findlaw.com/hdocs/docs/padilla/padhnt90905opn4th.pdf> (April 16, 2010).
4. “Profile, Jose Padilla,” BBC, August 16, 2007, at <http://news.bbc.co.uk/2/hi/americas/2037444.stm> (April 19, 2010).
5. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).
6. 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 19, 2010).
7. “In the Nation: Padilla Asks Court to Toss Conviction,” *The Philadelphia Inquirer*, January 13, 2010, at http://www.philly.com/inquirer/world_us/81300517.html (April 19, 2010).
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, October 16, 2003, at <http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html> (April 19, 2010).
10. Lou Michel, “U.S. Gives Half of the Lackawanna Six a Fresh Start,” *The Buffalo News*, June 13, 2009, at <http://www.buffalonews.com/home/story/702035.html> (April 19, 2010).
11. “Feds: Yemen Holds Lackawanna Six Suspect,” UPI, January 21, 2010, at http://www.upi.com/Top_News/US/2010/01/21/Feds-Yemen-holds-Lackawanna-Six-suspect/UPI-30701264128869/ (April 19, 2010).
12. 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 19, 2010).
13. 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 19, 2010).

Faris pled guilty to conspiracy and providing material support to al-Qaeda and was later sentenced in federal district court to 20 years in prison, the maximum allowed under his plea agreement.¹⁴

5. Virginia Jihad Network, June 2003. Eleven men were arrested in Alexandria, Virginia, 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 pled guilty. Upon further investigation, the remaining seven were indicted 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.¹⁵ Two more individuals were later indicted in the plot: Ali al-Timimi, the group's spiritual leader, and Ali Asad Chandia.

Ali al-Timimi 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.¹⁶ Randall Todd Royer, Ibrahim al-Hamdi, Yong Ki Kwon, Khwaja Mahmood Hasan, Muhammed Aatique, and Donald T. Surratt pled guilty and were sentenced to prison terms ranging from three years and 10 months to 20

years. Masoud Khan, Seifullah Chapman, and Hammad Adur-Raheem were found guilty and later sentenced to prison terms ranging from 52 months to life.¹⁷ Both Caliph Basha Ibn Abdur-Raheem and Sabri Benkhala were acquitted at trial.¹⁸

6. Nuradin M. Abdi, November 2003. Abdi, a Somali citizen living in Columbus, Ohio, was arrested and charged in a plot to bomb a local shopping mall. Abdi was an associate of convicted terrorists Christopher Paul and Iyman Faris and admittedly conspired with the two to provide material support to terrorists. Following his arrest, Abdi admitted to traveling overseas to seek admittance to terrorist training camps, as well as to having met with a Somali warlord associated with Islamists.

Abdi has since pled guilty to conspiracy to provide material support to terrorists, one of the four counts for which he was indicted. He was subsequently sentenced to 10 years in jail per the terms of a plea agreement.¹⁹

7. Dhiren Barot, August 2004. Seven members of a terrorist cell led by Barot were arrested for plotting 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.²⁰ A July 2004 police raid on Barot's house in Pakistan yielded a number of incriminating files on a

14. *Ibid.*

15. 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 19, 2010).

16. 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 19, 2010).

17. 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, at <http://www.justice.gov/usao/vae/Pressreleases/07-JulyPDFArchive/07/20070724benkahlanr.html> (April 19, 2010). 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.

18. Press release, "Randall Todd Royer and Ibrahim Ahmed al-Hamdi Sentenced for Participation in Virginia Jihad Network," U.S. Department of Justice, April 9, 2004, at http://www.justice.gov/opa/pr/2004/April/04_crm_225.htm (April 19, 2010).

19. Press release, "Ohio Man Pleads Guilty to Conspiracy to Provide Material Support to Terrorists," U.S. Department of Justice, July 31, 2007, at http://www.justice.gov/opa/pr/2007/July/07_nsd_568.html (April 19, 2010).

20. "Two 'Paintball' Terrorists Sentenced Friday," Associated Press, April 9, 2004, at <http://www.foxnews.com/story/0,2933,116729,00.html> (April 19, 2010).

laptop computer, including instructions for building car bombs.²¹

Dhiren Barot pled guilty and was convicted in the United Kingdom for conspiracy to commit mass murder and sentenced to 40 years.²² However, in May 2007, his sentence was reduced to 30 years.²³ His seven co-conspirators were sentenced to terms ranging from 15 to 26 years on related charges of conspiracy to commit murder and conspiracy to cause explosion.²⁴

8. James Elshafay and Shahawar Matin Siraj, August 2004. James Elshafay and Shahawar Matin Siraj, both reportedly self-radicalized, were arrested for plotting to bomb a subway station near Madison Square Garden in New York City before the Republican National Convention.²⁵ An undercover detective from the New York City Police Department's Intelligence Division infiltrated the group, providing information to authorities, and later testified against Elshafay and Siraj.²⁶

Siraj was convicted and sentenced to 30 years in prison. Elshafay, a U.S. citizen, pled guilty and received a lighter, five-year sentence for testifying against his co-conspirator.²⁷

9. 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.²⁸ 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 Aref and Hossain agreed to help.²⁹

Aref and Hossain were found guilty of money-laundering and conspiracy to conceal material support for terrorism and were sentenced to 15 years in prison.³⁰

10. 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.

Hamid was found guilty of providing material support to terrorists and providing false statements to the FBI.³¹ He was sentenced to 24 years in prison for these acts.³² Umer's trial ended in a mistrial. He later pled guilty to lying to customs agents in his

21. "Bomb Scare Has Echoes of Earlier Plots," CNN, June 30, 2007, at <http://edition2.cnn.com/2007/WORLD/europe/06/29/uk.plots/index.html> (April 12, 2009).

22. "Al-Qaeda Plotter Jailed for Life," BBC, November 7, 2006, at http://news.bbc.co.uk/2/hi/uk_news/6123236.stm (April 19, 2010).

23. "'Dirty Bomb' Man's Sentence Cut," BBC, April 16, 2007, at http://news.bbc.co.uk/2/hi/uk_news/6661371.stm (April 19, 2010).

24. "Al-Qaeda Bomb Plot Commander's Team Follow Him to Prison," *TimesOnline*, June 16, 2007, at <http://www.timesonline.co.uk/tol/news/uk/crime/article1940271.ece> (April 19, 2010).

25. 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/nye/pr/2006/2006may24.html> (April 19, 2010).

26. *Ibid.*

27. "Convicted Subway Terror Plotter Gets 5 Years," CBS/Associated Press, March 2, 2007, at <http://wcbstv.com/local/subway.terrorist.sentence.2.242570.html> (April 19, 2010).

28. Jarrett Murphy, "2 Men Snared in Missile Sting: Mosque Leaders Charged with Trying to Buy Missile from Government Informer," CBS/Associated Press, August 5, 2004, at <http://www.cbsnews.com/stories/2004/08/05/terror/main634339.shtml> (April 19, 2010).

29. Brendan Lyons, "Mosque Welcomed in Informant," *Times Union* (Albany), August 8, 2004, at <http://www.timesunion.com/AspStories/story.asp?storyID=273922> (April 19, 2010).

30. 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> (April 19, 2010).

attempt to carry \$28,000 into Pakistan and was sentenced to “time served.”³³

11. 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’s mission. The JIS allegedly planned to finance its 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.³⁴

James and Washington pled 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 was initially detained in a federal prison mental facility. He was later sentenced to 70 months in jail.³⁵

12. 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.³⁶ He was arrested while trying to pick up a \$40,000 payment for planning the attack.³⁷ 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.³⁸ Reynolds claimed that he was working as a private citizen to find terrorists.³⁹

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.⁴⁰

13. Mohammad Zaki Amawi, Marwan Othman El-Hindi, and Zand Wassim Mazloum, February 2006. Amawi, El-Hindi, and Mazloum were arrested in Toledo, Ohio, for “conspiring to kill or injure people in the Middle East” and providing material support to terrorist organizations. The three men allegedly intended to build bombs for use in Iraq and verbally threatened attacks against President George W. Bush.⁴¹ The investigation was

31. Press release, “Hamid Hayat Sentenced to 24 Years in Connection with Terrorism Charges,” U.S. Department of Justice, September 10, 2007, at http://justice.gov/opa/pr/2007/September/07_nsd_700.html (April 19, 2010).

32. 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 19, 2010).

33. 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 (April 19, 2010), and press release, “Umer Hayat Sentenced for Making a False Statement to the FBI, U.S. Customs and Border Protection,” U.S. Attorney’s Office, Eastern District of California,” August 25, 2006, at http://www.justice.gov/usao/cae/press_releases/docs/2006/08-25-06UmerHayatSentencing.pdf (April 19, 2010).

34. “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 19, 2010).

35. Rachanee Srisavasdi, “Man Sentenced for Role in Plot to Kill Jews, Attack Military Bases,” *The Orange County Register*, August 17, 2009, at <http://www.ocregister.com/news/samana-168436-months-carney.html> (April 19, 2010).

36. “U.S. Man Sentenced to 30 Years in Plot to Blow Up Pipelines,” *International Herald Tribune*, November 6, 2007.

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

38. “U.S. Man Sentenced to 30 Years,” *International Herald Tribune*.

39. Grad, “Reynolds Gets 30 Years in Terror Plot.”

40. “U.S. Man Sentenced to 30 Years,” *International Herald Tribune*.

41. Grand jury indictment for *United States vs. Mohammed Zaki Amawi, et al.*, January 19, 2007, at http://www.justice.gov/opa/documents/indictment_22006.pdf (April 19, 2010).

begun with the help of an informant who was approached to help to train the group.⁴²

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. Amawi was sentenced to 20 years, el-Hindi to 13 years, and Mazloun to approximately eight years.⁴³

14. Syed Haris Ahmed and Ehsanul Islam Sadequee, April 2006. Ahmed and Sadequee, from Atlanta, Georgia, were accused of conspiracy, having discussed terrorist targets with alleged terrorist organizations. They allegedly met with Islamic extremists in the U.S. and gathered 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 Islamist group. Ahmed is said also to have traveled to Pakistan with the goal of joining Lashkar-e-Taiba.⁴⁴

Both men were indicted for providing material support to terrorist organizations and pled not guilty.⁴⁵ In June 2009, a federal district judge found Ahmed “guilty of conspiring to provide material support to terrorists here and overseas.”⁴⁶

Ahmed was subsequently sentenced to 13 years in jail. Sadequee was also found guilty and sentenced to 17 years.⁴⁷

15. 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, 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 2005.⁴⁸

All of the suspects pled not guilty. On December 13, 2007, Lemorin was acquitted of all charges, but the jury failed to reach a verdict on the other six.⁴⁹ The second trial ended in a mistrial in April 2008.⁵⁰ In the third trial, the jury convicted five of the men on multiple conspiracy charges and acquitted Herrera on all counts. On November 20, 2009, the five were sentenced to prison terms ranging from six to 13.5 years, with Batiste receiving the highest sentence.⁵¹

42. Mike Wilkinson and Christina Hall, “3 Charged in Terror Plot; Local Suspects Planned Attacks in Iraq, U.S. Says,” *Toledo Blade*, February 22, 2006, at <http://www.toledoblade.com/apps/pbcs.dll/article?AID=20060222/NEWS03/60222005> (April 19, 2010).

43. Press release, “Three Sentenced for Conspiring to Commit Terrorist Acts Against Americans Overseas,” U.S. Department of Justice, October 22, 2009, at http://www.nefafoundation.org/miscellaneous/US_v_Amawi_dojprsent.pdf (April 19, 2010).

44. “Trial Looms for U.S. Suspect in Alleged Jihad Plot,” Associated Press, May 31, 2009, at <http://www.foxnews.com/story/0,2933,523578,00.html> (April 19, 2010).

45. Bill Rankin, “Atlanta Terrorism Suspect Seeks to Represent Himself,” *The Atlanta Journal-Constitution*, March 3, 2009, at http://www.ajc.com/services/content/metro/atlanta/stories/2009/03/03/terrorism_suspect.html (April 19, 2010).

46. 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 (April 19, 2010).

47. Press release, “Ehsanul Islam Sadequee Receives 17 Years in Prison; Co-defendant Syed Haris Ahmed Receives 13 Years,” U.S. Department of Justice, December 14, 2009, at http://www.nefafoundation.org/miscellaneous/US_v_HarisAhmed_dojprsentencing.pdf (April 19, 2010).

48. “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 19, 2010).

49. Curt Anderson, “Sears Tower Bomb Plot Case Falls Apart,” AOL News, December 14, 2007, at http://news.aol.com/story/_a/sears-tower-bomb-plot-case-falls-apart/20071214080009990001 (April 19, 2010).

50. Julianne 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 19, 2010).

51. “Sears Tower Bomb Plot Leader Narseal Batiste Jailed,” BBC, November 20, 2009, at <http://news.bbc.co.uk/2/hi/8371671.stm> (April 19, 2010).

16. 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.⁵² 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.⁵³ He is awaiting trial before a Lebanese military court.

17. Liquid Explosives Plot, August 2006. British law enforcement stopped a terrorist plot to blow up 10 U.S.-bound commercial airliners with liquid explosives.⁵⁴ Twenty-four suspects were arrested in the London area. The style of the 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.⁵⁵ Eventually, in April 2008, only eight men were brought to trial. In September, the jury found none of the defendants guilty of conspiring to target aircraft but three guilty of conspiracy to

murder.⁵⁶ The jury was unable to reach verdicts on four of the men. One man was found not guilty on all counts.⁵⁷

18. Derrick Shareef, December 2006. Shareef was arrested on charges of planning to set off hand grenades in a shopping mall outside Chicago. Shareef reportedly acted alone and was arrested after meeting with an undercover Joint Terrorism Task Force agent. FBI reports indicated that the mall was one of several potential targets, including courthouses, city halls, and government facilities. Shareef, however, settled on attacking a mall in the days immediately preceding Christmas because he believed it would cause the greatest amount of chaos and damage.⁵⁸ Shareef was also found to have connections to convicted terrorist Hassan Agujihad, who was charged with attempted use of a weapon of mass destruction and later sentenced to 35 years in prison.⁵⁹

19. Khalid Sheikh Mohammed, March 2007. Khalid Sheikh Mohammed, captured in Pakistan in 2003, was involved in a number of terrorist plots and is one of the most senior bin Laden operatives ever captured.⁶⁰ He is being held at the U.S. military detention facility in Guantanamo Bay. In March 2007, Mohammed admitted to helping plan, organize, and run the 9/11 attacks and also claimed responsibility for planning the 1993

52. "FBI Busts 'Real Deal' Terror Plot Aimed at NYC-NJ Underground Transit Link," Fox News, July 7, 2006, at <http://www.foxnews.com/story/0,2933,202518,00.html> (April 10, 2010).

53. Alison Gendar and Bill Hutchinson, "Assem Hammoud, Suspect in Alleged New York Tunnels Plot, Released on Bail in Lebanon," *New York 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 19, 2010).

54. 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 10, 2010).

55. "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 19, 2010).

56. "3 Accused U.K. Airline 'Liquid Bomb' Plotters Found Guilty," Associated Press, September 8, 2008, at <http://www.foxnews.com/story/0,2933,418643,00.html> (April 19, 2010).

57. *Ibid.*

58. Liza Porteus, "Feds Arrest Man They Say Planned to Detonate Grenades in Illinois Shopping Mall," Fox News, December 9, 2006, at <http://www.foxnews.com/story/0,2933,235518,00.html> (April 19, 2010).

59. "35-Year Sentence for Mall Grenade Plotter," CBS/Associated Press, September 30, 2008, at <http://www.cbsnews.com/stories/2008/09/30/national/main4490504.shtml> (April 19, 2010).

60. 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 19, 2010).

bombing of the World Trade Center and the bombings of nightclubs in Bali in 2002 and a Kenyan hotel. He has stated that he was involved in the decapitation of *Wall Street Journal* reporter Daniel Pearl and took responsibility for helping to plan the failed shoe-bomb attack by Richard Reid, along with plots to attack Heathrow Airport, Canary Wharf, Big Ben, various targets in Israel, the Panama Canal, Los Angeles, Chicago, the Empire State building, and U.S. nuclear power stations. He had also plotted 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.⁶¹ 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. In November 2009, U.S. Attorney General Eric Holder announced that Mohammed would be relocated to the United States to face civilian trial in the U.S. District Court for the Southern District of New York, although this relocation has yet to occur.

20. Fort Dix Plot, May 2007. Six men were arrested in a plot to attack Fort Dix, a U.S. Army post in New Jersey. The plan involved using assault rifles and grenades to attack and kill U.S. 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.⁶²

In December 2008, five of the men were found guilty on the conspiracy charges but were acquitted of charges of attempted murder.⁶³ Four were also convicted on weapons charges. The five men received sentences ranging from 33 years to life plus 30. The sixth co-defendant pled guilty to aiding and abetting the others in illegal possession of weapons and was sentenced to 20 months in jail.⁶⁴

21. JFK Airport Plot, June 2007. Four men plotted to blow up “aviation fuel tanks and pipelines at the 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.”⁶⁵

Russell 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 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 pled not guilty to the charges and are awaiting trial.⁶⁶

22. Hassan Abujihad, March 2008. Hassan Abujihad, a former U.S. Navy sailor from Phoenix, Arizona, was convicted of supporting terrorism and

61. “Top 9/11 Suspects to Plead Guilty,” December 8, 2008, at <http://news.bbc.co.uk/2/hi/7770856.stm> (April 19, 2010).

62. Dale Russakoff and Dan Eggen, “Six Charged in Plot to Attack Fort Dix,” *The Washington Post*, May 9, 2007, at <http://www.washingtonpost.com/wp-dyn/content/article/2007/05/08/AR2007050800465.html> (April 19, 2010).

63. “5 Men Found Guilty of Plotting to Kill Fort Dix Soldiers,” Associated Press, December 22, 2008, at <http://www.foxnews.com/story/0,2933,470900,00.html> (April 19, 2010).

64. Press release, “Three Brothers Sentenced to Life Prison Terms for Conspiring to Kill U.S. Soldiers,” April 28, 2009, at <http://www.justice.gov/opa/pr/2009/April/09-nsd-401.html> (April 19, 2010), and “Judge Sentences Two More in Ft. Dix Conspiracy,” *Los Angeles Times*, April 30, 2009, at <http://articles.latimes.com/2009/apr/30/nation/na-ftdix30> (April 19, 2010).

65. Anthony Faiola and Steven Mufson, “N.Y. Airport Target of Plot, Officials Say,” *The Washington Post*, June 3, 2007, at <http://www.washingtonpost.com/wp-dyn/content/article/2007/06/02/AR2007060200606.html> (April 19, 2010).

66. *Ibid.*; “JFK Terror Plot Foiled in Planning Stages,” WNBC (New York), April 12, 2009; and “U.S.: ‘Unthinkable’ Terror Devastation Prevented,” MSNBC, June 3, 2007, at <http://www.msnbc.msn.com/id/18999503> (April 19, 2010).

disclosing classified information, including the location of Navy ships and their vulnerabilities, to Barbar Ahmad and Syed Talha Ahsan, the alleged administrators of Azzam Publication Web sites (the London organization that provided material support and resources to terrorists). Abujihad was arrested in March 2007 and pled 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.⁶⁷ Both Babar Ahmad and Syed Talha Ahsan are being held in Britain on anti-terrorism charges and are fighting extradition to the U.S.⁶⁸

23. 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 pled guilty to the charges and was sentenced to 20 years in prison.⁶⁹

24. Synagogue Terror Plot, May 2009. On May 20, 2009, the New York Police Department announced the arrest of James Cromitie, 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.⁷⁰ 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, because undercover agents sold the four defendants fake explosives as part of an ongoing sting operation). All four men have pled not guilty and are awaiting trial.⁷¹

25. Najibullah Zazi, September 2009. Zazi, a 24-year-old Afghani, was arrested after purchasing large quantities of chemicals used to make a TATP bomb, the same type of weapon used in the 2005 bombing of the London Underground and the 2001 shoe-bomb plot. Zazi had traveled to Pakistan, where he received instruction in bomb-making and attended an al-Qaeda training camp. Zazi allegedly planned to detonate TATP bombs on the New York City subway.⁷²

Najibullah Zazi’s father, Mohammed Wali Zazi, was also indicted for obstructing justice by helping his son cover up plans for his attack. Najibullah pled guilty and remains in jail, while Mohammed pled not guilty and has been freed on bail.⁷³ Zazi’s guilty plea was the result of a plea bargain, and he awaits sentencing on June 25, 2010, while Mohammed awaits trial.

At least three other individuals have since been arrested on allegations of traveling overseas with Zazi to receive terrorist training and making false statements to authorities.⁷⁴ One of them, New

67. Lloyd de Vries, “Ex-Sailor Accused of Supporting Terrorism,” CBS News, March 8, 2007, at <http://www.cbsnews.com/stories/2007/03/08/terror/main2546508.shtml> (April 19, 2010), and Mark Spencer, “Hassan Abu-Jihaad, Former U.S. Sailor Who Leaked Navy Secrets Sentenced to Ten Years,” *Hartford Courant*, April 4, 2009.

68. “Ex-Sailor Tried on Terror Charges,” UPI, February 25, 2008, at http://www.upi.com/Top_News/2008/02/25/Ex-sailor-tried-on-terror-charges/UPI-34941203987475/ (April 19, 2010).

69. Press release, “Ohio Man Sentenced to 20 Years for Terrorism Conspiracy to Bomb Targets in Europe and the United States,” U.S. Department of Justice, February 26, 2009, at <http://cincinnati.fbi.gov/doj/pressrel/2009/ci022609.htm> (April 19, 2010).

70. Jonathon Dienst, “FBI, NYPD Arrest 4 in Alleged Plot to Bomb NY Synagogues,” NBC New York, May 21, 2009, at <http://www.nbcnewyork.com/news/local/FBI-Bust-Plot-Foiled.html> (April 19, 2010).

71. “Four Suspects in New York Terror Plot Plead Not Guilty,” Associated Press, June 3, 2009, at <http://www.foxnews.com/story/0,2933,525009,00.html> (April 19, 2010).

72. *United States of America Against Najibullah Zazi, Defendant*, “Memorandum of Law in Support of the Government’s Motion for a Permanent Order of Detention,” United States District Court, Eastern District of New York, September 24, 2009, at http://www.nefafoundation.org/miscellaneous/FeaturedDocs/US_v_NajibullahZazi_detentionmemo.pdf (February 24, 2010).

73. Adam Goldman and Tom Hays, “Police: NYC Terror Plotter Zazi Planned with at Least 2 Bombers to Kill Rush-Hour Commuters,” *The Chicago Tribune*, February 23, 2010 (April 19, 2010).

York religious leader Ahmad Afzali, has pled guilty to charges of lying to federal agents about informing Zazi that he was being investigated by authorities.⁷⁵ Zarein Ahmedzay has also pled guilty to conspiring to use weapons of mass destruction in the foiled plot.⁷⁶

26. Hosam Maher Husein Smadi, September 2009. Smadi, a 19-year-old Jordanian, was apprehended in an attempt to plant a bomb in a Dallas skyscraper. Originally identified through FBI monitoring of extremist chat rooms, Smadi was arrested and charged after agents posing as terrorist cell members gave Smadi a fake bomb, which he later attempted to detonate.⁷⁷ Smadi has pled not guilty, and trial is set to begin on June 7, 2010.⁷⁸

27. Michael Finton, September 2009. Finton, an American citizen, was arrested on September 23 by undercover FBI agents after attempting to detonate a car bomb filled with what he believed to be close to one ton of explosives outside of the Paul Findley Federal Building and Courthouse in downtown Springfield, Illinois. Evidence presented against Finton has shown that he expressed a desire to become a jihadist fighter and was aware that his planned attack would cause civilian injuries. He has been arrested on charges of attempted murder of

federal employees and attempted use of a weapon of mass destruction. Finton has since pled not guilty, although court orders for mental competency training have delayed the case.⁷⁹

28. Tarek Mehanna and Ahmad Abousamra, October 2009. Mehanna, previously indicted for lying to the FBI about the location of terrorist suspect Daniel Maldonado, was arrested on October 21, 2009, on allegations of conspiracy to kill two U.S. politicians, American troops in Iraq, and civilians in local shopping malls. Abousamra, his co-conspirator, remains at large in Syria. However, both were indicted on charges of providing and conspiring to provide material support to terrorists, conspiracy to kill in a foreign country, and conspiracy to provide false information to law enforcement.⁸⁰

The two men are not believed to be associated with any known terrorist organization.⁸¹ Both face sentences of up to life in prison if convicted.⁸²

29. The Christmas Day Bomber, 2009. Umar Farouk Abdulmutallab, a 23-year-old Nigerian engineering student living in London, boarded a plane from Nigeria to Amsterdam and then flew from Amsterdam to the U.S. when he attempted to detonate a bomb hidden in his underwear as the plane began to land. The device ignited but failed to

74. William K. Rashbaum, "Uncle Who Vouched for Terror Suspect Arrested," *The New York Times*, January 27, 2010, at <http://www.nytimes.com/2010/01/28/nyregion/28zazi.html> (April 19, 2010), and Amir Efrati, "Imam Pleads Guilty in New York Terror Case," *The Wall Street Journal*, March 4, 2010, at http://online.wsj.com/article/SB10001424052748704187204575101981933707478.html?mod=WSJ_hpp_MIDDLETopStories (April 19, 2010).

75. *Ibid.*

76. Associated Press, "NYC Subway Terror Suspect Pleads Guilty," April 23, 2010, at <http://www.foxnews.com/us/2010/04/23/nyc-terror-suspect-plead-guilty> (April 27, 2010).

77. "Jordanian Accused in Dallas Bomb Plot Goes to Court," CNN, September 25, 2009, at <http://www.cnn.com/2009/CRIME/09/25/texas.terror.arrest/index.html> (April 19, 2010).

78. "Jordanian Pleads Not Guilty in Dallas Bomb Plot," CBS News, October 26, 2009, at <http://cbs2.com/national/terror/plots.dallas.2.1271076.html> (April 19, 2010), and "Jordanian's Trial in Alleged Dallas Terror Plot Delayed," Fox News, November 24, 2009, at <http://www.foxnews.com/story/0,2933,576707,00.html> (April 19, 2010).

79. "Ill. Man Charged in Bomb Plot Will Undergo Tests," ABC News, November 11, 2009, at <http://abcnews.go.com/US/wireStory?id=9053365> (April 19, 2010).

80. Press release, "Two Men Charged with Material Support to Terrorists, Conspiracy to Kill in a Foreign Country and Other Offenses," U.S. Attorney's Office, District of Massachusetts, November 5, 2009, at http://www.nefafoundation.org/miscellaneous/nefaUS_v_Mehanna_dojprind.pdf (April 19 2010).

81. Denise Levoie, "Boston Terror Arrest: Tarek Mehanna Arrested for Planning Attacks on Shopping Malls," *The Huffington Post*, October 21, 2009, at http://www.huffingtonpost.com/2009/10/21/boston-terror-arrest-sudb_n_328428.html (April 19, 2010).

82. Press release, "Two Men Charged with Material Support to Terrorists."

detonate, and passengers moved quickly to stop Abdulmutallab from trying again, leading to his arrest by U.S. authorities upon landing in Detroit. The bomb, containing the explosives PETN and TATP, was similar to the failed device used by Richard Reid in 2001.

Media accounts following the plot indicate that Abdulmutallab admits involvement with al-Qaeda in Yemen. Abdulmutallab has since pled not guilty to six terrorism charges and remains in custody awaiting further trial.⁸³

30. Raja Lahrasib Khan, March 2010. Chicago taxi driver Raja Lahrasib Khan, a naturalized U.S. citizen of Pakistani descent, was arrested by the Chicago FBI's Joint Terrorism Task Force for two counts of providing material support to a foreign terrorist organization. According to the charges, Khan was affiliated with Ilyas Kashmiri, leader of the al-Qaeda-linked extremist group Harakat ul-Jihad-I-Islami in Kashmir, and has previously been indicted in the U.S. on terrorism charges.⁸⁴

Khan originally transferred \$950 to Pakistan, to be delivered to Kashmiri, and later attempted to send nearly \$1,000 provided to him by an undercover agent to Kashmiri by having his son carry the money to England, where Khan then planned to rendezvous with him and carry the money the rest of the way to Pakistan. His son was stopped by government agents at Chicago O'Hare International Airport before leaving the country. The criminal complaint filed against Khan also alleges that he had discussed plans to bomb an unnamed sports stadium in the United States.

Khan has since pled not guilty. If convicted, Khan faces up to 15 years in prison for each count of providing material support.⁸⁵

How to Keep the System Working

As Senator Susan Collins (R-ME) noted in a hearing before the Senate Committee on Homeland Security and Governmental Affairs, "we dodged a bullet in the skies above Detroit on Christmas Day."⁸⁶ Nevertheless, 28 of the 30 terrorist plots outlined above were thwarted by the vigilance of the U.S. law enforcement, and intelligence communities, proving that the system can counter the terrorist threat.

It is time for the White House to demonstrate its commitment to the long war against terrorism. Doing so will require support for the nation's counterterrorism tools. It will require an aviation and transportation security system that does not focus exclusively on spending money, but rather on producing smart security—cost-effective, respectful of civil liberties, and mindful of legitimate economic interests. It will also require the continued development of top-notch intelligence analysts, robust information sharing from federal to state and local law enforcement and between federal agencies, and strong partnerships with other nations.

Specifically, the Administration and Congress should:

- **Make key provisions of the PATRIOT Act permanent.** Immediately following September 11, 2001, efforts were made to bring intelligence capabilities in line with the new nature of the terrorist threat. Such efforts were embodied in the passage of the PATRIOT Act and in the subsequent amendment of the Foreign Intelligence Surveillance Act, which enhanced the legal and investigatory tools available to law enforcement in national security and counterterrorism. The tools provided by these acts have been vital in

83. Chris Cuomo, Lauren Pearle, and Reynolds Holding, "Accused Underwear Bomber Abdulmutallab Pleads Not Guilty," ABC News, January 8, 2010, at <http://abcnews.go.com/WN/umar-farouk-abdulmutallab-pleads-guilty-attempted-plane-bombing/story?id=9510524> (April 19, 2010).

84. Press release, "Chicago Man Charged with Providing Material Support to al Qaeda by Attempting to Send Funds Overseas," U.S. Attorney's Office, Northern District of Illinois, March 26, 2010, at http://www.justice.gov/usao/iln/pr/chicago/2010/pr0326_01.pdf (April 19, 2010).

85. *Ibid.*

86. Hearings, *Intelligence Reform: The Lessons and Implications of the Christmas Day Attack, Part I*, Committee on Homeland Security and Governmental Affairs, U.S. Senate, January 20, 2010, at http://hsgac.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=db07fd72-c631-42ea-a514-215127425e3a (April 19, 2010).

thwarting many of the 30 plots discussed above. Nevertheless, key provisions of the PATRIOT Act expired in December 2009. Congress has since extended these provisions until the end of 2010; further steps must be taken to ensure their permanence.

- **Increase visa coordination.** America's first line of defense is its borders. Careful screening of those who wish to cross them allows for the opportunity to apprehend terrorists and other criminals before they enter the country. Visa decisions thus have key homeland security implications, yet very little coordination occurs between the Department of Homeland Security and the Department of State on visa affairs. This relationship and coordination must be enhanced through implementation of programs such as the Visa Security Office program, which would place homeland security officials in consular offices overseas.
- **Develop a detention framework for terrorist detainees.** Since his presidential campaign, President Obama has highlighted the issue of terrorist detention with calls to close Guantanamo Bay within one year of his taking office. However, issues of detention go beyond debate centered solely on Gitmo. The Christmas Day bomber was another example of how the lack of a lawful detention framework inhibits the collection of intelligence from captured suspects. The question is not only what will be done with those currently held at Guantanamo, but also what is to be done with future detainees.

To answer this latter question, the Administration must develop a U.S. detention policy for detainees who cannot be tried safely in federal courts. This framework must be based on the principles of Article 5 of the Geneva Convention, which outlines protections for prisoners of war, as well as periodic review of detention. Such a policy would allow for a legal framework for detention and interrogation, as well as for the increased security of the United States and its allies, by preventing belligerents from returning to armed conflict.

- **Improve the Terrorist Watch List.** In order to serve as an effective tool to counter the terrorist threat, the Terrorist Watch List (TWL) must not

be hindered by political pressures to keep the list small. Instead, it must be allowed to encompass those who truly pose a potential risk to the United States. The "no-fly" list should instead function as the smaller, more inclusive list of high-risk threats. Coupled with a robust redress process, these lists can be used effectively to stop the bad guys from entering the country and allow legitimate travelers to move freely. Restrictions that prohibit the Department of Homeland Security from using the TWL to stop suspected terrorists at the airport screening line must be removed.

- **Define priorities for aviation security.** Immediately after the Christmas Day 2009 attack, the reaction of the Administration and the Transportation Security Administration (TSA) was to place added security on travelers from 14 nations designated as high-risk. While this policy has since been rescinded in a technical sense, the Department of Homeland Security has yet to release new screening rules that would emphasize intelligence gathering and information sharing (with law enforcement and foreign partners) as the most effective means of stopping terrorism.

In its FY 2011 budget request, the Department of Homeland Security has intensified introduction of the high-tech Advanced Imaging Technologies (AIT, or full-body scanners), among other technologies to screen passengers. These technologies can be effective, but the Administration should lay out a decisive strategy for aviation security that focuses on stopping terrorists before they reach the screening line.

- **Expand the Visa Waiver Program.** The Visa Waiver Program allows citizens of member nations to travel to the United States for up to 90 days without a visa. While some have argued that this program decreases security, member nations agree to *more* stringent and robust security measures than apply to non-member nations so that travelers from these nations provide greater information to the United States through Passenger Name Records (PNR) than would otherwise be the case. Not only does this allow for the easier identification of potentially dangerous individuals before they reach U.S. shores, but it allows for consular

resources to be focused on higher-risk nations. The White House must call on Congress to provide DHS with the authorities necessary to expand the VWP—specifically, decoupling VWP from the biometric air exit requirement—which would allow the Visa Waiver Program to include new member countries.

The U.S. has a system that, if supported appropriately, can work to stop terrorism, but continuing this success requires a strong and decisive counter-

terrorism strategy—with leadership from the highest levels.

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