

# WebMemo



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## Homeland Security: The Heritage Foundation Recommendations

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There have been at least three attempted terrorist attacks on U.S. soil in the last year and a half: the November 5, 2009, shooting at Fort Hood, Texas; the attempted Christmas Day airline bombing over Detroit; and the failed car bombing in Times Square in New York City. All three were perpetrated by men with ties to al-Qaeda and radical Islam.

But despite a clear desire by terrorists to wage war against Americans, the Obama Administration insists on treating the terrorist threat as a law enforcement matter only. It scrubs official statements of words such as *Islam*, *jihād*, and *terrorism*. This is not just a semantic difference: It directly affects the attitudes of Americans—and military and civilian leaders—toward the threats the nation faces.

Below are several recent Heritage Foundation reports on the true nature of the enemy America faces, along with recommendations for aligning policies with this reality.

### **Keeping the Homeland Free, Safe, and Prosperous**

[http://www.heritage.org/Research/Reports/2010/05/](http://www.heritage.org/Research/Reports/2010/05/Keeping-the-Homeland-Free-Safe-and-Prosperous)

*Keeping-the-Homeland-Free-Safe-and-Prosperous*

by Jena Baker McNeill

*America at Risk Memo* No. 10-04

May 24, 2010

President Barack Obama once said that “we have real enemies in the world. These enemies must be found. They must be pursued and they must be defeated.”<sup>1</sup>

Obama, then a candidate for the U.S. Senate, spoke these words at the 2004 Democratic National

Convention. Just four years later, however, he would use his first day in office as President to issue an executive order to close the Guantanamo Bay detention facility within one year and another order limiting what interrogation techniques the Central Intelligence Agency may use to obtain information from terrorist detainees.

The President would next go to Egypt and make a speech in Cairo, where he would address the topic of “violent extremism” but never use the word terrorism—a trend that has continued in statements made by Secretary of Homeland Security Janet Napolitano. He would then move to prosecute foreign terrorists—including Khalid Sheikh Mohammed, one of the masterminds behind multiple terrorist plots against the United States—in civilian courts.

These actions, coupled with the Administration’s lackadaisical support for the PATRIOT Act, a vital tool for gathering intelligence on terrorist operations, have made it clear that President Obama has changed course in terms of counterterrorism.

This new policy is not just a difference in ideas about what works in terms of winning the war on terrorism, but a conflict about whether there is even an actual war to be won. The message coming from

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<http://report.heritage.org/wm2930>

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aid or hinder the passage of any bill before Congress.

the Obama Administration is that terrorism will now be treated as a law enforcement matter.

### **Treating Terrorism Solely as a Law Enforcement Matter—Not Miranda—Is the Problem**

<http://www.heritage.org/Research/Reports/2010/05/Treating-Terrorism-Solely-as-a-Law-Enforcement-Matter-Not-Miranda-Is-the-Problem>

WebMemo No. 2898

by Charles Stimson and James Jay Carafano, Ph.D.  
May 13, 2010

In the wake of the failed car bomb attack on Times Square, Attorney General Eric Holder has proposed that Congress expand the public safety exception to Miranda. Superficially, carving out more time for law enforcement personnel to question a terrorist suspect before reading the suspect his Miranda rights seems commonsensical. However, once the purpose of Miranda—as well as other legal options available—is clear, it becomes apparent that Holder’s proposal is not only unwise but serves as another example of the Administration’s insistence on approaching terrorism, first and foremost, as a law enforcement problem.

### **Times Square Terror Plot: The Right Formula for Stopping Terrorism Has Not Changed**

<http://www.heritage.org/Research/Reports/2010/05/Times-Square-Terror-Plot-The-Right-Formula-for-Stopping-Terrorism-Has-Not-Changed>

by Jena Baker McNeill

WebMemo No. 2892

May 7, 2010

The near-miss car bombing in Times Square is the 31st known foiled terror plot against the United States since 9/11. This attempted attack, however, was nearly identical to last year’s Christmas Day plot: committed by a known enemy, from a known terror network, using a known tactic. Given these similarities, the inability of authorities to stop Saturday’s plot raises serious questions about the federal counterterrorism effort.

### **30 Terrorist Plots Foiled: How the System Worked**

<http://www.heritage.org/Research/Reports/2010/04/30-Terrorist-Plots-Foiled-How-the-System-Worked>

by Jena Baker McNeill, James Jay Carafano, Ph.D., and Jessica Zuckerman

Backgrounder No. 2405

April 29, 2010

The counterterrorism 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.

### **How to Fix Homeland Security Critical-Infrastructure Protection Plans: A Guide for Congress**

<http://www.heritage.org/Research/Reports/2010/04/How-to-Fix-Homeland-Security-Critical-Infrastructure-Protection-Plans-A-Guide-for-Congress>

by Jena Baker McNeill and Richard Weitz, Ph.D.

Backgrounder No. 2404

April 27, 2010

Highways, bridges, power plants, and cyber networks are all part of the national infrastructure—which is essential for the daily functioning of American society. The Department of Homeland Security carries the prime responsibility for protecting “critical infrastructure” from terrorist attacks and natural disasters. The problem currently plaguing the federal government efforts to implement a unified protection plan for the country is that, when it comes to determining which infrastructures are truly critical and which are important but not always essential, chaos reigns.

### **The FY 2011 Homeland Security Budget: Spending Doesn’t Match the Missions**

<http://www.heritage.org/Research/Reports/2010/02/The-FY-2011-Homeland-Security-Budget-Spending-Doesn-t-Match-the-Missions>

1. Barack Obama’s Remarks to the Democratic National Convention,” *The New York Times*, July 27, 2004, at <http://www.nytimes.com/2004/07/27/politics/campaign/27TEXT-OBAMA.html?pagewanted=all&position=?pagewanted=all> (May 17, 2010).

by Jena Baker McNeill  
*Backgrounder* No. 2376  
February 26, 2010

While the President's fiscal year 2011 budget request increases funding for the Department of Homeland Security by 2 percent, it fails to adequately align spending to the department's stated missions. The Coast Guard, WMD preparedness, and immigration enforcement/border security are just some essential aspects of a national security strategy that remain underfunded, while other programs—proven unsuccessful—have received fattened budgets.

### **Christmas Day Terror Plot Highlights Need to Sharpen Intelligence System**

<http://www.heritage.org/Research/Reports/2010/01/Christmas-Day-Terror-Plot-Highlights-Need-to-Sharpen-Intelligence-System>

by Lisa Curtis, Matt Mayer, Jena Baker McNeill, and Charles Stimson  
*WebMemo* No. 2751  
January 8, 2010

The post-mortem on the attempted airline terrorist attack on December 25, 2009, demonstrates the importance of continually honing and refining U.S. intelligence capabilities and systems to meet ongoing terrorist threats. President Obama should ensure that American domestic and foreign intelli-

gence agencies as well as U.S. military, diplomats, and domestic law enforcement agencies remain on a war footing in order to prevent future terrorist catastrophes.

### **Yemen Terrorist Transfers: Policies That Make Sense**

<http://www.heritage.org/Research/Reports/2010/01/Yemen-Terrorist-Transfers-Policies-That-Make-Sense>  
by Charles Stimson  
*WebMemo* No. 2745  
January 5, 2010

There are approximately 95 Yemeni terrorists currently at Guantanamo Bay. Setting politics aside, the terror attack on Christmas Day by a Yemeni-inspired, al-Qaeda-trained Nigerian requires the Obama Administration to take a sober look at its Yemeni terrorist transfer policies from Guantanamo. Simply stating that it will continue transfers (including to Yemen) on a “case-by-case” basis is irrational and dangerous. This situation requires a more intelligent, broad-based, national-security-first approach to the transfer issue, especially transfers to Yemen.

**Ever Vigilant.** The recent foiled plots reinforce the fact that the terrorist threat is by no means abating. The sooner policymakers realize this fact and conform their policies to it, the safer America will be in the long run.