

# ISSUE BRIEF

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## Kenya Attack Reminds the U.S. of the Need to Maintain Effective Domestic Counterterrorism Programs

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**A**l-Shabaab, an al-Qaeda-affiliated terrorist group operating out of Somalia, has claimed responsibility for the deadly attack on a shopping mall in Nairobi, Kenya. While details are still emerging, news and government sources are reporting that at least 60 people have been killed, over 170 others have been injured, and as many as 39 individuals remain missing. Notably, the Kenyan government is claiming that several Westerners are among the al-Shabaab gunmen including “two or three Americans.”

The threat of al-Shabaab is not be limited to a local insurgency, as the group maintains effective foreign recruiting of Americans and other Westerners and numerous terrorist attacks in the region have been attributed to al-Shabaab. Terror that al-Shabaab inflicts and the tactics it uses could be easily exported to the U.S.

The attack in Kenya should remind the U.S. that the fight against terrorism is not over and that al-Qaeda and its affiliates are still a formidable threat to the U.S. homeland. The U.S. should update its counterterrorism tools to prevent attacks such as this from occurring in the U.S.

### **A Real Threat from Al-Shabaab and Affiliates.**

Islamist militants in Somalia have grown bolder and more willing to strike those outside Somalia who oppose their radical goals. Al-Shabaab has targeted Kenya since the terrorist group’s creation in the mid-2000s, and these attacks have continued after Kenya’s military excursion into Somalia in 2011. The terrorist group also attacked the Ugandan capital of Kampala in 2010 with twin bombings that killed more than 70 people at a World Cup viewing party in retribution for Uganda’s involvement in peacekeeping in Somalia.

Though al-Shabaab has not attacked the U.S. homeland, al-Qaeda and its allies are still very interested in striking at the U.S. In May 2012, the U.S. thwarted a plot from the Yemen-based al-Qaeda in the Arabian Peninsula to blow up a U.S.-bound airliner. Additionally, al-Shabaab seeks to radicalize and recruit residents of the U.S. through propaganda such as the recently released “Minnesota Martyrs” video that promotes worldwide jihad.

### **Security, Intelligence, and Countering**

**Violent Extremism.** The best way to combat terrorism is to stop it before it strikes. The Kenyan attack also makes it abundantly clear that swift and prepared security forces are necessary to prevent further loss of life during these abhorrent events. Armed assaults are a common terrorist modus operandi: Three of the four successful Islamist terrorist attacks in the U.S. since 9/11—namely, the shootings at Fort Hood, Texas, and a military recruiting center in Little Rock, Arkansas, and the Tsarnaev brothers’ gunfight following the Boston Marathon bombing—were armed assaults or involved prolonged gun battles with police. Additionally, of the 56 foiled

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Islamist plots, at least 15 could be considered plots to commit an armed assault.

Ultimately, however, proactive intelligence and efforts to counter violent extremism are critical to preventing such events from ever occurring. Intelligence-gathering tools made available through various counterterrorism laws are crucial to piecing together the dots and identifying terrorists before they strike.

**Learning and Applying Lessons from the Kenya Attack.** The plot in Kenya should remind the U.S. that al-Qaeda and its affiliates still pose a threat to Americans both at home and abroad. Whether from abroad or via radicalized individuals in the U.S., the threat of terrorism is real, and the U.S. should redouble its efforts to prevent attacks on the homeland.

Specifically, Congress and the Administration should:

- **Maintain essential counterterrorism tools.** Support for important investigative tools such as the PATRIOT Act is essential to maintaining the security of the U.S. and combating terrorism. Key provisions within the act, such as the roving surveillance authority and the business records provision, have proved essential for thwarting terrorist plots, yet they require frequent reauthorization. In order to ensure that law enforcement and intelligence authorities have the essential counterterrorism tools they need, Congress should seek permanent authorization of the three sunset provisions within the PATRIOT Act. Furthermore, federal domestic surveillance programs should be efficacious, properly managed (with appropriate executive, judicial, and congressional oversight), and respectful of individual privacy and liberty. In the American system, the government must do all equally well.
- **Clarify the domestic counterterrorism framework.** Cooperative efforts among local law enforcement and federal agencies have been essential in thwarting plots before the American public was ever in danger. To aid future efforts, the U.S. should properly apportion roles and responsibilities among federal, state, and local

government based on their resources (e.g., money, people, and experience). In order to clarify the domestic counterterrorism framework, the President should issue an executive order establishing a national domestic counterterrorism and intelligence framework that clearly articulates how intelligence operations at all levels should function to combat terrorism while keeping citizens safe and free.

- **Expand Active Shooter Threat Training across the country.** Whether committed by a terrorist or a deranged criminal, mass shootings in busy areas will always be a threat given America's free society. Given that state and local law enforcement officers will be the first to respond to such events, training for active shooter events should be expanded through existing programs such as the Active Shooter Threat Training Program and corresponding instructor training program. The Administration should also ensure that these programs consider the threat of larger, multiple gunmen, assault-style attacks such as seen in Nairobi.
- **Fully implement a strategy to counter violent extremism.** Countering ideologies and propaganda that espouse violent extremism is an important complementary effort to an effective counterterrorism strategy. In August 2011, the U.S. government released a plan called "Empowering Local Partners to Prevent Violent Extremism in the United States."<sup>1</sup> The strategy focuses on outlining how federal agencies can assist and empower local officials, groups, and private organizations to prevent violent extremism. Critically, this plan is not a true strategy. It fails to assign responsibilities and does not direct action or resource investments. More should be done to transform a laundry list of good ideas into an effective program to support communities in protecting and strengthening civil society.

**Continued Vigilance Necessary.** The attack on the mall in Nairobi is not the first and will not be the last attack by al-Shabaab and al-Qaeda affiliates against those who dare to disagree with and fight

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1. The White House, "Empowering Local Partners to Prevent Violent Extremism in the United States," August 2011, [http://www.whitehouse.gov/sites/default/files/empowering\\_local\\_partners.pdf](http://www.whitehouse.gov/sites/default/files/empowering_local_partners.pdf) (accessed September 30, 2013).

their extremist agenda. By providing U.S. law enforcement with the essential counterterrorism tools they need and by strengthening efforts to counter violent extremism, the U.S. will be better prepared to stop these attacks from occurring here at home.

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