Building Bridges to Strengthen America

Forging an Effective Counterterrorism Enterprise between Muslim Americans & Law Enforcement

Muslim Public Affairs Council

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Introduction

Seeking to fulfill their civic and religious duties, Muslim Americans around the country have stood in solidarity with their fellow citizens by roundly condemning terrorism, heightening their vigilance and establishing partnerships with law enforcement. At a policy level, they have joined coalitions which are at the forefront of opposing excessive government policies by defending civil liberties.

However, Muslim Americans’ voices have been conspicuously absent from a critical area: national security policy discourse.

In a July 2009 speech at the World Trade Center, Department of Homeland Security Secretary Janet Napolitano stressed the need for greater public involvement to secure our country. She said America needs to be at a point where, “as a country, as a nation, we are at the point where we are at a constant state of preparedness and not a state of fear.”

However, our nation has not tapped into its full potential to make itself secure because government agencies are ignoring its most important resource: the nation’s citizens. According to Secretary Napolitano, “For too long, we’ve treated the public as a liability to be protected rather than an asset in our nation’s collective security.”

Though Secretary Napolitano seeks to move America away from “a state of fear” to “a state of preparedness,” much of the public and closed discussions on countering terrorism continue to tilt more toward fear. Many analyses inside and outside government remain based on fearful speculation rather than facts and level-headed vigilance. As a result, many of the laws developed and policies implemented have not only run roughshod over Constitutional principles, but have been found to be ineffective and counterproductive.

This report seeks to provide a mainstream Muslim American contribution to the counterterrorism policy discourse. In particular, Building Bridges to Strengthen America aims to provide a “blueprint” for how Muslim American communities – from a Muslim American perspective – can be an asset to national security. At the same time, this report also provides practical recommendations for law enforcement to uphold civil liberties while maintaining their effectiveness.

Echoing the 9/11 Commission, it is MPAC’s belief that, “The choice between liberty and security is a false choice.” It is this premise that guides our report’s research, analysis, and policy recommendations. We invite the reader, Muslim and non-Muslim alike, to explore our ideas and perspectives further in order to shape policies that keep our nation truly safe and free.
Executive Summary

The purpose of this report is to outline a suggested “blueprint” for how Muslim American communities can be an asset in securing our nation while preserving the rights of all Americans, as defined by a Muslim American perspective. This report focuses on several key components:

- Assessing current public opinion and policy discourse on violent extremism
- Understanding processes leading to “radicalization” and violent extremism
- Critiquing the effectiveness of current counterterrorism policies such as informants, NSA wiretapping, racial profiling, and national security letters
- Outlining a model for a community-law enforcement partnership based on community-oriented policing
- Addressing potential challenges to community-oriented policing

Immediately after 9/11, hundreds of Muslim religious scholars, politicians and activists, in the United States and around the world, rejected the legitimacy of terrorism as contrary to Islamic teachings.

Despite the repeated denunciations and actions from Muslim leaders and institutions, a strong misperception persists – often repeated in media outlets – that Muslim Americans have remained silent about terrorism. Despite the fact that only 8% of Muslims believe suicide bombing against civilians is “often/sometimes” justified, some biased commentators have voiced doubt over the loyalty of Muslim Americans and argue they constitute a domestic security threat.

Such biased analyses ignored other important findings and failed to put the data into a comparative context. A University of Maryland survey found 24% of Americans thought “bombing or other attacks intentionally aimed at civilians” are “often or sometimes justified.” Yet no one has made similar accusations against these segments of American society.

In addition to having an accurate understanding of Muslim Americans’ perceptions about national security issues, it is also necessary to know how extremist viewpoints become adopted by people. There are five key theories explaining why some Muslims become “radicalized”: 1) Socio-Economic Deprivation, 2) Identity Politics, 3) Social Affiliations, 4) Political Marginalization/Grievances, and 5) Presence of Radical Ideology.

While each theory makes important contributions to the study of violent extremism, each theory on its own is insufficient to describe what conditions lead to violent extremism. Using the work of Quintan Wiktorowicz, as its foundation, the report pieces together a hybrid theory of “radicalization” and terrorist recruitment. Ultimately, radicalization is a complex and multi-faceted process that cannot be explained or dealt with through either simplistic analyses or uni-dimensional policy responses.
Current counterterrorism policies such the under-regulation and overuse of informants, NSA domestic spying, and use of National Security Letters and Section 215 powers under the Patriot Act are thoroughly examined. Despite their wide-casting and invasive nature, these policies are ultimately ineffective and constitute counterproductive counterterrorism.

Instead, this report argues the most effective way to deal with the challenge of radicalization and violent extremism is for law enforcement and Muslim American community leaders to partner together. More specifically, MPAC argues for a domestic counterterrorism enterprise centered on community-oriented policing. Community-oriented policing is a proactive style of policing primarily focused on community partnerships and crime prevention.

In order to simplify the relationship between violent extremism and the community-oriented policing enterprise, this report uses a market analogy: Both terrorist groups and the community-oriented policing enterprise are similar to business firms.

A “terrorist business firm” uses recruitment “advertisements” to tap into a market of people experiencing identity crises. These identity-conflicted individuals are the labor pool or “market for martyrs” that terrorist business firms recruit from.

A community-oriented policing enterprise would compete against terrorist business firms in the “market for martyrs” and seek to maintain public security. The enterprise is analogous to a “product-extension merger,” and requires both a division of labor and cooperation between law enforcement and Muslim communities. In this model, law enforcement focuses on criminal behavior while Muslim American communities deal with the ideological and social components which lead to violent extremism.

Law enforcement needs to ensure that its actions do not undermine Muslim communities’ efforts and thus end up expanding the market for martyrs. Simultaneously, Muslim American communities need to maintain their willingness to assist legitimate law enforcement efforts to clamp down on terrorist firms’ ability operate within the market without impunity.

Additionally, there are important tactical and strategic advantages to community-oriented policing over other forms of information gathering, such as intelligence-led policing. Unlike intelligence-led policing, community-oriented policing’s heavier emphasis on community partnerships reduces the negative impact on both community-police relations and democratic values. Community-oriented policing also gathers and contextualizes various bits of information better to construct a fuller intelligence assessment.

However, there are several challenges that come with a community-oriented policing strategy emanating from state and federal law enforcement agencies. By their very nature, federal entities have a much more difficult time engaging in community-oriented policing. This requires a greater focus on state and local efforts to develop information gathering capacities that can prevent and detect terrorist plots.

Some question whether or not local and state police can handle counterterrorism responsibilities. However, recent history going back no more than 30 years shows how local
and state law enforcement have been at the forefront of detecting and preventing terrorists from carrying out attacks.

While some may have concerns about the effectiveness of eliciting citizen assistance in a community-oriented policing counterterrorism strategy, there have been a large number of plots, national and international, which have been prevented using such an approach. This includes at least six plots that were prevented based on tips from Muslim communities.

Establishing and managing relationships with communities is a necessary, but also very challenging process. Those communities that tend to be confrontational and/or fearful of police are far less likely to act as cooperative partners. Achieving the optimal performance that mitigates or avoids confrontation is complex; however, various law enforcement agencies and communities have developed three strategies to deal with these issues. The first is synthesizing distinct values and priorities. Second is creating internal divisions of labor between those units that focus on violent crimes and those units which focus on disorder issues and community-oriented policing. The third strategy is to balance the competing values, priorities and approaches within policing organizations.

In addition, local police agencies have also developed a number of strategies to deal with the specific challenges posed when working with various immigrant communities:

- Partnering with other departments facing similar challenges
- Providing strong executive leadership
- Recruiting a more diverse police force
- Making a community internship part of the cadet curriculum.

A community-oriented policing counterterrorism strategy must also have the right kind of state and federal level structures to provide support. This includes not only ensuring that the actions taken by law enforcement at these levels do not undermine community relations, but also that they properly share information between police agencies at the various local, state and federal levels.

The two main entities responsible for such actions are the Fusion Centers and Joint Terrorism Task Forces (JTTFs). The current functions and structures of Fusion Centers and JTTFs are examined closely in this report. We find that neither of these two entities are properly structured to support community-oriented policing, therefore requiring reform. The current investigative approaches used by Fusion Centers and JTTFs end up gathering massive amounts of data, ultimately harming peoples’ civil liberties, while failing to monitor and prevent real threats.

The report ends with a series of recommendations targeted towards various public and private entities.

To Muslim American Communities:

- Develop better programming and support networks, particularly for Muslim youth and converts.
• Promote partnership and information exchanges between Muslim communities and institutions.
• Invest in long-term homegrown religious leadership education and development.
• Invest in Muslim youth leadership training.
• Invest in long-term institutional creation and development.
• Counter cyber-based extremism.

To Law Enforcement:

• Continue to adopt community-oriented policing practices.
• Continue to research and adopt practices reconciling federal, local and state policing efforts and priorities within Joint Terrorism Task Forces.
• Adopt MPAC’s principles for community engagement with Muslim Americans.
• Highlight Muslim American contributions to local and national security.

To Local, State and Federal Governments:

• Raise legal standards and build infrastructure to protect civil liberties.
• Take steps to end racial profiling.
• Overhaul the Fusion Center development process at the federal level.
• Encourage coordination of Fusion Center development at the state level.
• Expand investments in better human capital acquisition and training.
• Encourage further research and adoption of community-oriented policing practices.
## Defining Important Terms

Before entering into the heart of our paper, it is important that we provide some important definitions upfront to the reader. Precise terminology is key to achieving a more accurate and nuanced understanding of concepts and, ultimately policies, that policymakers and communities must encounter and implement. The following definitions are offered:

**Radicalization** – A process where individuals or groups come to intellectually approve of the use of violence against civilians for political aims. Radicalization differs from violent extremism in that violent extremists explicitly encourage or commit acts of violence or provide material support to those who do. Radicals engage in lawful, constitutionally protected free speech and other non-violent and legal activities, but may adhere to an extremist ideology.

**Violent Extremism** – According to the FBI’s *Counterterrorism Analytical Lexicon*, violent extremism is defined as “any ideology that encourages, endorses, condones, justifies, or supports the commission of a violent act or crim[e] against the United States, its government, citizens, or allies in order to achieve political, social, or economic changes.”

**Terrorism** – A criminal act inspired, at least in part, by political ideology that seeks to employ violence against unarmed civilians (as defined by the Geneva Conventions).

**Racial Profiling** – The practice of targeting individuals for police or security interdiction, detention or other disparate treatment based primarily on their race, religion or ethnicity in the belief that certain racial, religious and/or ethnic groups are more likely to engage in unlawful behavior.
Muslim American Views on National Security Issues

Immediately after 9/11, there was widespread denunciation of the attacks and terrorism in general. Hundreds of Muslim religious scholars, politicians and activists, in the United States and around the world, rejected the legitimacy of terrorism as contrary to Islamic teachings. One example includes the July 2005 “fatwa” against terrorism issued by the 18-member board of the Fiqh Council of North America. Another example is the July 2006 Amman Message, an anti-terrorism statement endorsed by over 500 of the most prominent Muslim religious scholars from around the world and representing all the major Islamic legal and theological schools of thought. In other case, over 6,000 conservative Indian Muslim scholars issued a collective anti-terrorism statement in November 2008.

As an organization working with mainstream Muslim American communities, MPAC is extremely concerned about preserving America’s core values while ensuring our national security. MPAC is committed to keeping our nation safe and secure through grassroots efforts, such as our National Grassroots Campaign to Fight Terrorism, engagement with law enforcement officials locally and federally and providing expert testimony on Capitol Hill to assist policymakers.

Despite the repeated denunciations and actions from Muslim leaders and institutions, a strong misperception persists – often repeated in media outlets – that Muslim Americans have remained silent about terrorism. Some have gone further, voicing doubt over the loyalty of Muslim Americans and argue they constitute a domestic security threat.

As we elaborated in other policy papers, fear of Muslims based on exaggerated analyses of possible terrorist threats is both contrary to American values and ineffective and counterproductive counterterrorism work.

A May 2007 poll by the Pew Research Center conducted the first-ever nationwide survey of Muslim Americans, *Muslim Americans: Middle Class and Mostly Mainstream*, to gauge their attitudes on a wide range of social, political and economic issues. Among other things, the research found:

- Muslims have an overall positive view of the larger American society,
- Most Muslim Americans believe as long as one works hard economic prosperity is possible to achieve, and
- Overall Muslims appear to be highly socially integrated into American society.

Nevertheless some biased commentators conducted a selective analysis of the poll’s results. As a result this raised two primary fears about American Muslims.
One of these concerns is over the loyalty of Muslim Americans to their country. The Pew survey found almost half of Muslim Americans (47%) surveyed said they “think of themselves first as a Muslim, rather than as an American.” While this might appear troubling at first, it must be compared to the findings from other communities. An earlier 2006 Pew poll found 42% of Christians (including 65% of Christian Evangelicals) said they were Christian first, rather than American.

Second, putting aside the fact that Muslim communities have stood strongly against terrorism – including proactively assisting law enforcement against violent threats (see p. 43) – the question itself is flawed. The question was presented in a way forcing Muslims to choose between their faith and citizenship. As a result of this methodological bias, it potentially skews results.

A 2008 study by the University of Washington, entitled *Muslim American Public Opinion Survey* (MAPOS), provides important insights. Similar in demographic makeup to the 2007 Pew poll, the MAPOS study avoids the “either-or” pitfall by asking respondents about the compatibility between Islam and American political values. The researchers found a plurality of Muslim Americans (34%) “very much” believes “Islamic teachings are compatible with participation in the American political system.” A further 32% said “somewhat” compatible, while 21% said “a little” and 13% said “not at all.”
The principal investigators of the MAPOS study, Matt Barreto and Karam Dana, analyzed the data further and came to an important conclusion: those with higher knowledge and practice of Islamic teachings were more likely to believe in the compatibility between American political participation and Islamic principles. In other words, the more religious an Muslim American is, the more likely he is going to believe in the American political system and be civically engaged.

Another concern taken from the Pew study is whether or not Muslims are supportive of violence against civilians. The survey found only 8% of Muslim Americans believed suicide bombing against civilian targets is “often/sometimes” justified. Yet some biased commentators have spun the results to make it appear as though entire segments of Muslim American communities pose a security risk. Such skewed framing also fails to put these findings into a comparative context. A University of Maryland survey found 24% of Americans thought “bombing or other attacks intentionally aimed at civilians” are “often or sometimes justified.” Yet no one has made similar accusations against these segments of American society.

Furthermore, such a biased approach also ignores empirical research examining the number of attempted and actual mass-casualty terrorist attacks against the United States perpetrated by Muslim and non-Muslim suspects. As of the time of this writing, according to MPAC’s Post-9/11 Terrorism Database, there have been 33 actual or attempted plots, both domestic and international, by Muslim violent extremists since 9/11.

In contrast, there have been 56 actual or attempted plots by domestic-only non-Muslim violent extremists since 9/11. This figure also includes at least four cases of actual or attempted possession of chemical and radiological weapons. (No such plots involving chemical or radiological weaponry were reported among the Muslim cases.)

### Domestic Terrorists & Chemical, Biological, Radiological and Nuclear Possession

Our database shows four cases of attempted or actual possession of chemical, biological, radiological, and nuclear material. These four incidents are:

- **March 12, 2002:** Anarchist Joseph Konopka was found in possession of deadly amounts of sodium cyanide and potassium cyanide.
- **April 10, 2003:** Anti-government extremist William Krar is arrested in possession of a cache of small arms and a cyanide bomb capable of killing up to 6,000 people.
- **October 25, 2004:** Neo-Nazi Demetrius “Van” Crocker is arrested for attempting to acquire Sarin nerve agent and C-4 plastic explosives.
- **December 9, 2008:** The FBI discovers “radiological dispersal device components and literature, and radioactive materials” at the home of Neo-Nazi James Cummings.
Understanding the Problem: Radicalization & Terrorist Recruitment

In order to craft an effective joint counterterrorism enterprise between Muslim communities and law enforcement, it is first necessary to understand how extremist viewpoints become adopted by people. Failing to understand this process will impede the effectiveness of the enterprise. According to a University of London literature review, there are five key theories for why Western Muslims become radicalized and possibly join terrorist organizations.31

Current Theories of Radicalization and Terrorist Recruitment

1. Socio-Economic Deprivation theory. According to this thesis, socio-economic frustration and a lack of self-fulfillment – the likely result of various forms of economic/ethnic/racial/religious discrimination – can drive someone toward terrorism.

2. Identity Politics theory. Many second- and third- generation Muslim youth do not connect with their parents’ ethnic/cultural practices and identities because they are considered to be remote, outdated, and/or partly sacrilegious. At the same time, they may feel they are the object of hostility and humiliation by the host majority Western cultures due to local discrimination and discontent over foreign policies toward Muslim countries. Trapped between a rock and a hard place, European Muslim youth are experiencing an identity crisis that makes them more susceptible to join radical causes.

3. Social Affiliations theory. Supporters of this view assert that recruitment for radical and violent organizations takes place through social network ties like friendship, kinship and discipleship. For instance, a study by terrorism expert Marc Sageman found at least 80% of his 500-person dataset was recruited into terrorism by friendship or family ties.32 In addition, a body of literature on how people join religious cults also demonstrates how social bonds are the key ingredient for successful conversions.33

4. Political Marginalization/Grievances theory. Some researchers argue Muslim youth feel driven to violence because they are alienated from mainstream national politics. They may also feel marginalized within their own communities by elders and elites whom believe to have little in common with. Those youth that does not become politically apathetic, may alternatively seek to have their grievances represented and addressed by more radical organizations. Adding to this marginalization is anger at Western foreign policies toward Muslims in other countries.

5. Presence of Radical Ideology theory. Some argue the spread of violent extremist rhetoric among a select minority of preachers is mainly responsible for the radicalization of a minority of Western Muslims. It is also alleged that extremists penetrated and took over
many mosques, where they seduce attendees into radical ideology and possibly violent behavior. Finally, non-violent organizations such as the conservative Tablighi Jamaat and radical Hizb-ut-Tahrir are considered to be “conveyor belts” for violent organizations. They initially brainwash a Muslim into radical ideology and then make it easier for later recruitment/assignment into violent groups. Some believe the “conveyor belt” extends as far out as to the conservative, but more politically engaged group, the Muslim Brotherhood.

While each theory makes important contributions to the study of radicalization, each theory on its own is insufficient to describe why radicalization occurs.

The “socio-economic deprivation,” “identity politics,” and “political marginalization/grievances” theories fail to explain why radicalism and terrorism are not more widespread. For example, European Muslims face significant discrimination, high unemployment, and have little political representation at the national and European Union levels. Yet only a minority of European Muslims holds what appear to be radical political views and far fewer turn to terrorism. Furthermore, large numbers of terrorists are not impoverished. Out of 72 European Muslim terrorists studied by Dutch security expert Edwin Bakker, 33 (46%) came from middle class backgrounds or higher. Sageman’s 500-person study found “the vast majority of the terrorists in the sample came from the middle class.”

“Social affiliations” may be important, but they also deny the power and rule of a person’s moral agency. Just because someone may have kinship or friendship ties to individuals with an extremist worldview does not mean they will become radicalized and take a further step by joining a terrorist organization. Also, social affiliations between radical and mainstream individuals can work in the opposite direction by disengaging at-risk individuals from extremist ideology and criminal behavior. As a recent RAND report shows, a person with stronger connections to mainstream social networks is much less likely to adopt extremist views and activities, because such networks greatly influence an individual’s behaviors and attitudes.

As for the “presence of radical ideology” theory, there are three problems. First, the takeover of mosques by extremists has been negligible. Extremist ideologues like Abu Hamza and the “shoe bomber” Richard Reid were removed or voluntarily left mosques in the U.K. because their violent fringe views were explicitly rejected by the orthodox mainstream congregants.

Second, the “conveyor belt” aspect completely overlooks how most of these radical and conservative groups have mutual disdain for one another and have significant ideological conflicts. Conservative groups like the Muslim Brotherhood pose long-term strategic threats to violent extremists by siphoning Muslims away from violent radicalism into peaceful political activism. One would expect that if there was a “conveyor belt” relationship, there would be more cooperation rather than confrontation between all of these organizations. (Even violent extremists are barely cohesive among themselves; internal disputes are common.) Finally, the thesis suffers from the same pitfalls as the “socio-economic deprivation,” “identity politics” and “political/marginalization grievance” theories – if the rhetoric is visible (especially on the Internet), then why is there not more radicalism and terrorism?
A Proposed Hybrid Framework

None of these explanations fully account for the development of “radicalization.” They have several areas of overlap and when pieced together, they can collectively provide a sufficient basis for understanding radicalization and terrorist recruitment. Quintan Wiktorowicz, an expert on extremist Muslim groups, maps out a path to radicalism while addressing weaknesses in other theories. In this section we lay out a hybrid theory of radicalization that builds off of Wiktorowicz’s work and the other five theories critiqued earlier.

![Figure 2: Wiktorowicz’s Model for Joining Extremist and Terrorist Groups](image)

According to Wiktorowicz’s model, the first step to radicalization is a “cognitive opening,” which is the first crack that opens a person to extremist ideas. This can be the result of social, economic, and/or political discontent from various kinds of alienation, discrimination, and/or victimization. Wiktorowicz goes so far as to include personal issues (such as death in the family or harm from a crime). The common thread of these experiences is they precipitate a personal crisis that “shakes certainty in previously accepted beliefs and renders an individual more receptive to the possibility of alternative views and perspectives.”

Yet, violent extremist movements do not always wait passively for a potential recruit to undergo a crisis before exploiting it; they also seek to trigger one through messaging. The objective of their outreach is to “generate a sense of moral shock… that could lead to a cognitive opening and a willingness to learn more about the crises and possible proscriptions.” The methods range from private and individual interactions, through pre-
existing social ties or developing new personal contacts, to more public and collective events such as “demonstrations, pamphlets and pictures,” or mass-media through televised statements and Internet-based material.

Though Wiktorowicz includes personal issues as a cause for cognitive openings, field research in Europe indicates the most powerful and most common types of cognitive openings are based those on a sense of socio-political-economic discontent. Furthermore, an empirical study of Osama Bin Ladin’s publicly available statements found he overwhelmingly cited policy grievances (rather than the Islamic faith) to justify terrorism when addressing Muslim audiences. If personal issues are an effective means of recruitment, one would expect Bin Ladin to engage his audience on such topics. However, such messages are absent from his statements.

Yet, just because the environmental conditions triggering a cognitive opening exist, this does not mean one will automatically happen. If that were automatically true, radicalism and terrorism would be more widespread. Even if one does occur, it does not automatically lead to extremism – a point which will be elaborated on shortly.

Once the person is in an identity crisis, s/he needs to seek clarity. For many Muslims, it is done through their faith, or “religious seeking.” At this point, the individual may go through a “testing phase,” acquiring knowledge from different sources and by different means. Some cases are individual-based: books, the Internet and other media. Other seekers opt for a network-based approach: discussions with friends, family and/or religious organizations. Both methods involve “a process of persuasion [that] is characterized by discussion and debate, an exchange of ideas through which the [extremist] movement members attempt to convince seekers that the movement ideology provides logical solutions to pressing concerns.”

However, just because someone is seeking different mediums and types of religious knowledge does not mean s/he will immediately and automatically join a radical cause. Few become radicalized and even far fewer turn to violence. Instead, most Muslims use their religion as a catalyst for self-empowerment, greater social integration and increased engagement with civil society. As one official study in the United Kingdom of Muslim identity politics and radicalization found:

Muslim identity politics can support and encourage integration. Action around demands for the accommodation of religious needs have played an important role in the initial mobilisation of Muslim communities for civic and political engagement. These campaigns indicate affection rather than disaffection; they show a commitment to Britain and a wish, by Muslims, to make themselves more at home in Britain.

Some have argued that because this mobilization is ethnically and religiously based it has perpetuated segregated identities. Recent research suggests that activism for ethnic and Islamic causes, even when it has been conflictual, have accelerated Muslim integration. Such participation provides a pathway into other forms of civic and political participation... the 2003 Home Office Citizenship Survey suggests that political activity by Muslim positively contributes to the sense of identification with Britain.
On top of the issues that lead to a person’s cognitive opening, the seeker is also vulnerable to extremist indoctrination because such individuals typically lack access to mainstream religious knowledge. The presence of radical ideologies and social networks becomes important at this point because religion can be abused to “reframe” a person’s worldview\(^56\) (i.e. convert him/her to the radical ideology) and legitimate violent extremism. Thus, it is unsurprising to find empirical studies showing most terrorists largely lack religious knowledge\(^7\) and were secular individuals until just before joining an extremist group.\(^58\)

This is ironic given that, in the name of faith, arguments used by recruiters to legitimate violence typically lack religious justification. In reality, such arguments are grievance-based, emphasizing a pan-nationalist Muslim identity, not personal piety. The premise behind this strategy is simple: Muslim recruits are typically more willing to die defending their oppressed co-religionists than for abstract political concepts like an “Islamic State” or a “Caliphate.”\(^59\)

In this context, it is no surprise to see violent extremists like Bin Ladin play on such sentiments for recruitment purposes. According to one empirical study of Bin Ladin’s public statements, it found when he was addressing Muslims audience, he used policy-grievance justification words 51 times more than religious justification words.\(^60\) In addition, both Abdullah Azzam\(^61\) and Abu Musa’b al-Suri,\(^62\) Bin Ladin’s mentor and senior strategist, used and advocated for similar ideological framing strategies.

Finally, after a person is in agreement with the radical ideology, s/he may embark on a process of “socialization.” The recruit moves from being a movement’s student, to a committed member, by internalizing the group ideology and in the process having his/her identity reconstructed. This process is reinforced by radical social networks isolating the individual from the rest of mainstream society.\(^63\)

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**A Brief Look at Radicalization, Terrorism & the Internet**

Analysts have observed terrorists are exploiting the Internet for their own purposes. *Building Bridges* focuses on its uses for radicalization and terrorist recruitment. According to a report from the UK-based *International Center for the Study of Radicalization and Political Violence* (ICSR), there are three “problematic” aspects to the Internet, with respect to radicalization and terrorist recruitment: \(^64\)

- **Illustrate and reinforce ideological messages.** As a less-filtered means of communication than other types of media, the Internet allows potential recruits to gain easy access to vivid imagery and texts that support an extremist worldview.
- **Joining and integration into formal organizations.** The anonymity of the Internet allows potential recruits a relatively low-risk means of joining formal extremist organizations. It also facilitates networking with other extremists, who might otherwise be isolated.
• Establishes a supportive environment for extremist views. Surrounded by other extremists, the Internet becomes an "echo-chamber" for radical viewpoints and behaviors. They establish a virtual arena where such distasteful views and dangerous behaviors are normalized.

Though the Internet certainly has its problematic aspects, its effects are also limited. According to the ICSR report, "Self-radicalisation and self-recruitment via the internet with little or no relation to the outside world rarely happens and there is no reason to suppose that this will change in the near future." 65

The reason for this conclusion is due to the importance of real-world relationships. Extremists see that the Internet does not "provide face-to-face human interaction nullifying many of its advantages." 66 Going back to our earlier analysis of terrorist recruitment, social networks are the primary means of getting people to deciding to join up with an extremist/terrorist group. The Internet serves to get people initially interested in the messages, and serves to "preach to the choir" (reinforcing extremists' narrative after someone is already convinced). 67

Some find the number of consistent users tends to be small. For instance, when examining the number of messages posted on a popular terrorist sympathizer website, one prominent U.K.-based study found "the vast majority of messages posted on the Mujahedon.net forums originated with a very small core group of active users: 99 percent were passive or casual users." 68

This finding led the author of the study to later conclude, "In many cases (indeed, the vast majority of cases, in my opinion) Jihadist fora are completely innocuous, and actually serve a cathartic role." 69

Many policy responses have centered around shutting down websites. However such policies not only potentially run afoul of liberties like the freedom of expression, it is also noted to be extremely ineffective. Terrorism experts find website closures as temporarily effective at best. Terrorists respond by moving their websites to other internet service providers or the so-called "deep web." 70 Furthermore, it fails to address the use of chat rooms and instant messenger systems. 71

Finally, shutting down extremist websites also validates the ideology of its supporters. It provides "evidence" their worldview is correct; otherwise, there would be no need for such an aggressive response. 72 It also limits disengagement and de-radicalization efforts, by cutting off communication to people who need it most.
Current Domestic Counterterrorism Policies

We take a case-study approach, specifically analyzing some of the surveillance strategies being used to prevent terrorism. We review the widespread use of National Security Letters and Section 215 of the USA PATRIOT Act, the NSA warrantless surveillance, the under-regulation and overuse of informants, and racial profiling.

These four cases are selected because they are used largely in the name of counterterrorism. They are also chosen because civil liberties groups have questioned the invasive nature and legal standing of these actions.

*National Security Letters and Section 215 of the USA PATRIOT Act*

National Security Letters (NSLs) can be described as a special kind of administrative subpoena used by the FBI and other security agencies to “seek customer and consumer transaction information in national security investigations from communications providers, financial institutions, and credit agencies.”

Prior to 9/11, NSL statutes were carved out of a number of privacy laws that specified what kind of information could be obtained, under what circumstances it could be obtained and who it could be shared with.

These restrictions included:

- The information was limited to communications records, financial business records, credit agency records (all under limited circumstances) and the ability to use an NSL relating to an illegal release of classified information
- Only a select few individuals at FBI headquarters (FBIHQ) in Washington DC could sign off on an NSL
- The FBI needed “specific and articulable facts” about the target to request and/or obtain a letter
- The primary purpose of the investigation is to get information about “a foreign power or agent of a foreign power” (as defined by the FISA Act of 1978)
- Various other privacy statutes including the National Security Act, the Fair Credit Reporting Act contain restrictions on disseminating information

However after the 9/11 attacks took place, the USA PATRIOT Act changed these standards to allow NSL authority to be employed faster and wider. Under Section 505 of the Act, these changes included:

- Expanded authority to issue NSLs beyond FBI Headquarters, now includes heads of FBI field offices
• Changed the requirement from making the primary purpose of an investigation to seek information about “a foreign power or agent of a foreign power,” to requiring that the NSL merely be “relevant” to an investigation
• Added a caveat that that an NSL cannot be employed solely on the basis of First Amendment-protected activities

Subsection 358(g) of USA PATRIOT Act included a fifth NSL statute, by amending the Fair Credit Reporting Act to allow investigators to obtain consumer report records. Furthermore it allowed consumer reports to be provided, “…to any government agency investigating or analyzing international terrorism [or counterintelligence activities]…” in addition to the FBI. This potentially allows agencies normally focused on foreign intelligence gathering, such as the CIA, to engage in certain aspects of domestic information collection.

Aside from the important question of the civil liberties and privacy impact of expanded NSL authority, we seek to examine the tool’s effectiveness. Two reports from the Office of the Inspector General (OIG) within the Department of Justice can help answer the question. Overall, the OIG reports found a series of abuses and mistakes that contributed very little to counterterrorism efforts. (Both reports do not cover NSL use under Subsection 358(g) of the USA PATRIOT Act, which could include additional agencies like the CIA, NSA and DIA.)

According to the first report, published in March 2007, there were at least 143,074 NSL requests during 2003-2005. The report is full of quoted and paraphrased statements from FBI investigators, however its hard statistics paint a different picture. Out of the 143,074 NSL requests, only 153 legal proceedings emerged. Out of these 153 proceedings, only 1 request contributed to a “material support” for terrorism conviction. The report failed to mention how the NSL contributed in that particular case and it failed to mention its effectiveness in preventing any actual terrorist plot.

A second report from the Department of Justice OIG in March 2008, regarding Section 215 investigations – the so-called “library records” provision and an investigatory tool with powers similar to NSLs – found their use in counterterrorism investigations to be ineffective. Most of the records obtained under Section 215 led to dead-ends. It found that Section 215 requests were “an impractical tool because of the lengthy time involved in developing, reviewing and presenting the requests.” The delays in processing the requests were attributed to bureaucratic inefficiencies. This finding is extremely important considering that a recently declassified monograph from the 9/11 Commission, as well writings by FBI whistleblowers also point to long-standing bureaucratic inefficiencies as the principle cause for intelligence failures behind 9/11.

The report went on to note that other tools such as NSLs, grand jury subpoenas and an open source search “through public sources such as Google” were faster than Section 215 requests. NSLs are also inefficient and ineffective. Grand jury subpoenas may be limited by a “criminal nexus”, however this point is moot since terrorism is considered a crime under US federal law (and state laws) and typically involves several precursor crimes before an attack can be launched.
Both the March 2007 and March 2008 OIG reports show how the NSL and Section 215 tools were ineffective in counterterrorism investigations. The information overwhelmed analysts, as was the case with the National Security Letters, or it was too slow, as was the problem with Section 215 requests. Both cases divert limited resources from time-tested, efficient and effective investigative work to engage in fishing expeditions for people's private information. This leaves one wondering whether or not such successes were worth the price paid in civil liberties and diverted resources.

**NSA Wiretapping**

In December 2005, the *New York Times* revealed that President Bush had authorized monitoring of communications of thousands of people between the United States and other countries without warrants. Six months later, the *USA Today* revealed later monitoring also included purely domestic calls and has been trying to create a massive database of every call made within the US. In addition to the legal aspects of the authorization, both of these news reports dealt with the National Security Agency's focus on signals intelligence, (SIGINT), and how it contributes to national security. Though a legislative remedy with weaker civil liberties protections was passed in 2008, in April 2009 the *New York Times* reported the NSA overstepped its legal authority and drastically “overcollected” U.S. domestic communications.

Without delving into the legal analysis, serious questions about the policy's effectiveness, and more broadly the general role of wiretapping in counterterrorism efforts, need to be raised. Though government officials have publicly tried to show how the NSA warrantless wiretapping prevented terrorist attacks against the U.S., there has been little evidence of its effectiveness.

The role in which wiretapping can contribute to counterterrorism operations seem to be misplaced, disregarding certain tactical countermeasures terrorists have employed to avoid surveillance. As early as October 2002, a *USA Today* investigation found the NSA had trouble tracking Al-Qaeda operatives. Terrorist suspects were successfully evading U.S. surveillance “chiefly by using disposable cell phone or by avoiding phones altogether and substituting human messengers and face-to-face meetings to convey orders.” More recent news reports also indicate messages were sent through email.

However, even on those rare occasions when the NSA or some other security agency manages to intercept a message, determining whether it has any tactical value or not is very difficult. In addition to the language barrier, the content of these messages are vague statements that can be easily misinterpreted. Writing in the peer-reviewed academic journal *Intelligence and National Security*, surveillance expert Niels Sorells, notes:

> This renders the government's ability to derive useful tips from such communications more or less moot… Intercepting a transmission is useless if so much gobbledygook is used that the conversation is meaningless to anyone without a key or would require so much time to decipher that the operation being discussed is likely to have been carried out by the time the message is decoded. The situation gets worse if there is not even a specific party to target.
Another problem with the NSA program is that it likely ill-suited to deal with organizational adaptations Al-Qaeda is likely to have made by 2005, and especially if they were to operate within the United States. A 2006 USA Today investigation reported the NSA domestic spying efforts were producing data used for “social network analysis”. Current social network analysis methods to guide SIGINT collection and analysis of information is called “snowball sampling”.

However, according to a study funded by the National Science Foundation, Office of Naval Analysis, and the Department of Defense, social network analysis and snowball sampling are only likely to prove effective against centralized and hierarchical organizations. In cases where terrorists are organized as decentralized “cells” – akin to how Right-Wing terrorists have employed “leaderless resistance” strategies in the U.S. since the 1980s97 (and being copied by Muslim militants)98 – snowball sampling methods are ineffective.99 Investigative media reports100 and an official unclassified report from five Offices of the Inspector General (OIG 5)101 indicate that the program has been ineffective.

Yet one should not take this criticism as entirely dismissing the importance of wiretaps altogether; they can play an extremely important role. Wiretaps must be conducted with the coordination and input of other types of intelligence.

Wiretapping is most effective when pieced together with findings from other types of information. In pointing to a successful operation in Germany against clandestine Al-Qaeda operatives that involved wiretaps combined with gains from human assets, Niels Sorrells further notes:102

…much of the information was gathered by tracking phone records, not tapping phone lines. The authorities ascertained who was calling whom and then cross-referenced that data with information about criminal records and immigration violations before closing in. This is detective work, not randomly listening in hoping to hear something useful. It did not rely upon subjecting private citizens to official eavesdropping of their private conversations and communications.

The United States has its own example where different sources of intelligence, working together, allowed for a major bust against terrorists. As a New York Times investigation found, Khalid Shaikh Mohammed was arrested due to his own sloppiness for reusing the same SIM card in his cellular phones, making it easier for authorities to eventually track him down. Yet Mohammed’s arrest would not have been possible without first investigating another Al-Qaeda militant, Christian Ganczarski. German police searched Ganczarski’s house and found a journal with several phone numbers, including one that was used to track down Khalid Sheikh Mohammed in Pakistan and other Al-Qaeda suspects.103

The released OIG 5 report noted that law enforcement agents and intelligence analysts regarded the NSA spying as “…one source among many available analytic and intelligence-gathering tools in these efforts.”104 In the context provided earlier, the OIG 5 account appears to point toward both the ineffectiveness of the warrantless wiretapping, and the centrality of old-fashioned detective work in apprehending terrorist criminals.
Racial Profiling

Racial profiling is an important counterterrorism policy concern that occurs in many different contexts. In some cases, it can take place while a person is engaged in routine activities such as travel, work or worship. Other cases are alarmingly more sophisticated, such as the Los Angeles Police Department’s failed attempt to “map” Muslim communities in the L.A.-metropolitan area and concerns that the FBI may be permitting “mapping of ethnic minority groups for a variety of reasons.”

Though most reported cases of racial profiling by law enforcement appear to take place at the local and state levels, it also an issue of concern for various ethnic and civil liberties groups at the federal level. Although the Department of Justice issued a June 2003 guidance document on the use of race in law enforcement, it has several exceptions to it, including in national security investigations and intelligence activities. In addition, news reports have cited the concerns of many civil liberties groups over the latest revisions to the Attorney General’s guidelines on initiating domestic counterterrorism investigations. Such concerns are largely focused on the reduction of legal standards to initiate an investigation. One of the most troubling aspects is the legal power it gives law enforcement to initiate an investigation based on racial and religious profiling.

However, there are also important security policy reasons to be concerned over racial profiling. Muslim American communities tend to be extremely diverse, reflecting the racial, ethnic and cultural pluralism of the larger global Muslim community. This includes South Asians, Southeast Asians, Arabs, Sub-Saharan Africans and larger numbers of “indigenous” African American, Caucasian and Latino Muslim Americans.

How can one tell who is Muslim and who is not? One may try by looking at a person’s name. However, there really is no such thing as what may be popularly thought of as a “Muslim” name – mostly it is an Arabic name. Things are further complicated by the fact that two-thirds of all Arabs living in the United States are Christian, not Muslim. In addition, there are many Muslim converts who do not legally change their names to Arabic-sounding names. Jose Padilla, John Walker Lindh, Michael Finton, Dhiren Barot, Colleen LaRose, and Richard Reid are prominent examples Muslim violent extremists who fit this description.

If developing actionable information necessary to preventing terrorism can be compared to finding needles in a haystack, then racial profiling is merely adding more hay to the stack. In fact, statistics show that policies employing racial profiling have been unsuccessful. Three cases involving Muslim Americans are worth mentioning.

First were the mass arrests of people of Arab/Muslim descent immediately after 9/11. Between September 11, 2001 and September 2, 2004, then-Attorney General John Ashcroft aggressively detained 5,000 people. However none of them were ever convicted on terrorism charges.

The second example was a Department of Homeland Security-led dragnet called “Operation Front Line.” Months before, during and after the 2004 Presidential elections, law
enforcement officials arrested and detained over 2,000 people from Muslim-majority countries. Like the earlier mass arrests after 9/11, no one was ever convicted on charges of threatening national security or terrorism.111

The third example is the National Security Entry-Exit Registration System (NSEERS) program. After 9/11, the program mandated that over 83,000 “suspicious” individuals, overwhelmingly from Muslim-majority countries, had to notify the Department of Homeland Security of their whereabouts every 30 days. From this group, no terrorist convictions have emerged.112

The only other possible way of figuring out who is a Muslim and who is not is by their “religious” clothing. However not all Muslims dress “religiously,” whatever that may mean. Terrorists need to keep a low profile in order to maintain operational security before carrying out an attack. If Al-Qaeda members dressed “religiously,” they would fit into stereotypes that would draw attention to them. In light of their concern for operational security, it is not surprising that the 9/11 hijackers all dressed like Westerners and some had shaved their beards. Therefore it makes little sense to profile based on appearance and/or clothing.

As research has shown, Al-Qaeda has sought to maximize its operational effectiveness by seeking recruits who can best blend into their host societies. This at least partly explains why so many Al-Qaeda terrorists come from relatively secular, Western-educated backgrounds (with little religious education).

Furthermore, reports indicate Al-Qaeda has sought to recruit from a variety of ethnic and racial backgrounds, including Caucasians.113 Even Muslims from “traditional” ethnic backgrounds may try to change their external appearances so they can be perceived as a member of a traditionally non-Islamic ethnic background. One example is the case of convicted terrorism suspect Shahawar Matin Siraj, who dressed to “look hip-hop, like a Puerto Rican” and not “look Arabic.”114 In another instance, Al-Qaeda may simply use operatives from a different racial or ethnic background altogether to avoid specific physical profiles. The use of mostly Black East Africans in the failed 7/21 London attacks two weeks after the deadly 7/7 London operation by majority-South Asians is one such example.

In addition to being tactically ineffective, racial profiling is strategically counterproductive. The best sources of information needed to prevent terrorist attacks come from within communities where terrorists are hiding.115 Profiling individuals based on their race, ethnicity and/or religion not only has a negative net impact on civil liberties and fails to unravel terrorist networks, it alienates the communities law enforcement needs to get actionable information to prevent future attacks. It also makes individuals and organizations become extremely reluctant to cooperate with law enforcement.116

Finally, racial profiling overlooks threats coming from other religio-ideological sources. As our database on post-9/11 incidents shows, Muslims are not the only serious source of counterterrorist concern. If racial profiling were more pervasive in law enforcement practices, many of those non-Muslim plots contained in our database may not have been prevented.
Informants

Informants are an extremely important tool and can be used to great effectiveness in various kinds of criminal investigations, including counterterrorism ones. According to Boston College Law Professor Robert Bloom, there are two types of informants: the “incidental informer” and the “confidential informer.” Others such as former FBI counterterrorism investigator William E. Dyson, divide informants into short-term and long-term categories. Our review of informants focuses on long-term “confidential” sources, not short-term “incidental” sources.

The earliest recorded use of informants dates back to classical Athens, when they were employed to prevent treason against the state. However history demonstrates that using informants can also be abused by the government for political purposes.

Modern American policing has similar examples of legitimate and illegitimate uses of informants. The FBI has successfully used them against the organized crime syndicates such as various mafia crime bosses in the 1980s. However it has also abused them, such as the investigation, infiltration and instigation of radical but mostly non-violent groups under its Counterintelligence Program, or COINTELPRO, during the 1960s and 70s.

A comparison between today’s uses of informants by the FBI with their uses during COINTELPRO is important. The reason for doing this is not for the purposes of political polemics, but what appear to be strikingly similar policy directions. Prior to the exposure of COINTELPRO abuses by the Church and Pike Committees, there was virtually no internal or legislative regulation of FBI informants.

As a response to public outcry and a means of avoiding direct legislative regulation of informants, Attorney General Edward Levi established the first set of internal guidelines for the use of informants in 1976. The key contribution of the guidelines was that the FBI needed to satisfy a “specific and articulable facts” standard of proof that an individual is involved in violent or potentially violent activities. This draws a fine line between what may be solicitation or intention to commit a crime, like terrorism, and otherwise Constitutionally-protected free speech.

Problems with controlling informant activities continued, and the internal guidelines were updated and expanded as time went on to solve these issues. In 1983, Attorney General William Smith lowered the standard of proof to a “reasonable indication” requirement which remained constant until shortly after 9/11.

After 9/11, Attorney General John Ashcroft removed the “reasonable indication” standard altogether, allowing investigations without past reason for suspicion of criminal activity. As a result the thin line between Constitutionally-protected speech and criminal activity began to be blurred. Attorney General Michael Mukasey’s November 2008 revisions to the guidelines went further by repealing five sets of guidelines on investigations and substituted them with one. While the Mukasey revisions reaffirm the Ashcroft revisions which allow spying at any public gathering without prior indication of criminal activity – including mosques and social service agencies/activities – they also permit racial profiling. By allowing low to non-existent
standards of proof, the Ashcroft and Mukasey revisions bear striking resemblance to the minimalist policies of the COINTELPRO-era FBI use of informants.124

MPAC’s concern with the under-regulation of informants, such as in the case in COINTELPRO, focuses on its negative policy effects to preventing terrorism. We leave the legal discussions of civil liberties and privacy impacts to others.

We do not argue that the use of informants should be discontinued altogether; they can serve as an effective and legitimate law enforcement tool to bring criminals to justice. Nevertheless, it also has its tactical limitations, and if used improperly, can be strategically counterproductive. This policy dilemma is worsened by the current overuse and under-regulation of informants.

One problem is that the overuse of informants will not provide better information on potential terrorist operations instead; it will leave a critical intelligence gap. Informants can be an extremely valuable tool against terrorism, but their utility is largely affected by the type of organizational structure a terrorist group adopts. Hierarchical "pyramid" organizations defined by their connected command and control structures, like the IRA and pre-9/11 Al-Qaeda, make themselves much more vulnerable to being compromised if penetrated by an outside agent or an internal informant. When that occurs, because the human intelligence asset is in regular contact with other terrorist group members, information on other personnel and activities can be gathered with relative ease.

However, a hierarchical structure is not the likely choice of operation for most domestic terrorists – Muslim or non-Muslim. Domestic terrorists are more likely to arrange themselves as autonomous cells to avoid widespread compromise of a militant movement. Louis Beam, a White Supremacist and terror strategist who popularized the concept of "Leaderless Resistance" (a cellular method of terrorism), explains why.125

...Such a situation is an intelligence nightmare for a government intent upon knowing everything they possibly can about those who oppose them. The Federals, able to amass overwhelming strength of numbers, manpower, resources, intelligence gathering, and capability at any given time, need only a focal point to direct their anger. A single penetration of a pyramid type of organization can lead to the destruction of the whole. Whereas, Leaderless Resistance presents no single opportunity for the Federals to destroy a significant portion of the Resistance.

Another related problem is that informants – especially when they are under-regulated – are less likely to catch terrorists, particularly when they organize themselves along a cellular structure. Terrorists are trained to be very cautious about maintaining their security by developing training manuals and studying law enforcement manuals to know police surveillance techniques. As former FBI counterterrorism investigator William Dyson notes, “Spotting informants and identifying tactics employed by law enforcement officers to penetrate terrorist groups are often covered in security manuals.”126

All of this assumes that informants are honest and will provide accurate information – which is frequently not the case. For instance, empirical studies based on data from exonerated
and/or released defendants, show informants very frequently provide incomplete or false information.\textsuperscript{127}

Furthermore, the actions of informants may end up entrapping impressionable and radical but non-violent individuals who may not have otherwise been inclined to commit a crime. This could end up creating or at least encouraging more criminal activity. Many times, police will tolerate crimes by informants in order to ensure they maintain their operational security and continue collecting intelligence. However this can undermine the overarching goal of increasing public security. During COINTELPRO, there were cases where informants had committed or incited acts of violence, with the tacit or even explicit approval of FBI handlers.\textsuperscript{128} More recently, news surfaced that Hal Turner, a controversial Neo-Nazi blogger, was in fact an FBI informant who reported on Right-Wing terrorists. Turner was eventually arrested, but only after 7 years of making statements that attempted to incite non-violent followers to commit acts of violence.\textsuperscript{129}

Even assuming the surveillance target has not been incited to commit a terrorist act – which is debatable in some recent cases –\textsuperscript{130} it is more likely the types of people arrested as a result of ethically questionable actions of informants are incompetent individuals. If that is the case, it is highly unlikely they were needed to capture such low-skilled criminals. In fact, the arrests in most of the Muslim domestic terrorism cases seem to indicate they were just that – impressionable and/or incompetent.\textsuperscript{131}

While at least one notable study has detailed the institutional and communal ramifications of the pervasive use of informants,\textsuperscript{132} their improper use can also present serious strategic concerns for law enforcement. Most notably, it can ruin the important relations between law enforcement and Muslim American communities. Muslim communities may be less willing to cooperate with law enforcement due to a sense of “betrayal” of a trusted partnership, especially if they perceive terrorism busts to be cases of entrapment. It also undermines the credibility of mainstream religious leaders who advocate for engagement with law enforcement. As a result, the cooperative relationship between law enforcement and Muslims is severely strained or completely undermined. Law enforcement will find it difficult to get important information needed to prevent a future terrorist attack,\textsuperscript{133} thus leaving a critical intelligence gap that cannot be filled by other means including the overuse and under-regulation of informants.\textsuperscript{134}

To be fair, informants can be effective in counterterrorism investigations even against cellular structures. Because terrorist groups are concerned about their operational security, fear of informants can create and increase tensions within a terrorist cell. As a result, it can generate enough paranoia that a cell may abandon a potential operation altogether.

However, using informants against cellular structures will make less of an impact against a group of militants than if they were used against a network. Unlike connected networks, information and members are compartmentalized in cellular structures. Penetration of one cell is less likely to yield information on other potential violent extremists, rather than in a networked organization.\textsuperscript{135}
This limited tactical benefit must be weighed against the larger strategic costs of using informants – especially when overused and underregulated. In order to achieve maximum effectiveness of informants, they will need to be used with along with other investigative techniques. Better legal mechanisms and internal guidelines need to be put in place to ensure their relevance to preventing actual criminal activity.

Finally, a more circumspect calculation by law enforcement agents should be made when considering employing informants: Are the gains of using an informant worth it if the short-term intelligence and prosecutorial benefits are limited but the long-term social and intelligence gathering costs from harmed community relations are high?
Terrorism as Business Firm Activity and the “Market for Martyrs”

We sum up the “hybrid theory” presented in the previous section by conceiving of a terrorist group as a business firm, as proposed by the Yale University School of Management. This firm uses grievance-themed advertisements to tap into and/or create a market of people experiencing identity crises. Such individuals constitute the recruiting pool or “market for martyrs,” that terrorist firms seek to recruit from.

Three types of advertisements are primarily used: 1) events like handing out flyers and public demonstrations 2) media marketing in the form of TV interviews and internet-based material (such as texts and videos); and 3) word-of-mouth (i.e. “social networks”). Based on field research, it appears demonstrations and media marketing tend to generate initial interest in extremist ideology and reinforce belief in the ideology after joining a group. However, it is word-of-mouth advertisement that tends to most effectively convince a person to sign up for membership with a terrorist business firm.

Competition in the “Market for Martyrs”

Using the analytical framework of terrorist groups as business firms, it is important to note that terrorists also face strong competition from two other “business firms”: mainstream Muslim communities and law enforcement. As noted earlier, the vast majority of Muslims turn to their faith to deal with identity crises from a sense of disenfranchisement without becoming radical. As a result, extremist groups face stiff competition in the “market for martyrs” from various mainstream mosques, imams (clerics), and faith-based civil society institutions. The mainstream’s presence pushes out terrorists from the extremists’ labor market.

Terrorist firms must first tap into the “market for martyrs” to have the necessary quantity and quality of people to run the firm’s various operations. However, they do more than recruit people to their cause. Their danger lies in their additional “entrepreneurial activities” that distinguish them from extremist, but lawful non-violent entities. They seek to challenge the government’s monopoly on the use of force by engaging in unlawful violent activities and other material support. This automatically puts them in conflict – or market “competition” – with law enforcement authorities.

In order to dry up the “market for martyrs” and successfully compete against (i.e. defeat) terrorist organizations, a new partnership between law enforcement and Muslim communities is needed. To improve law enforcement-community relations, and ultimately counterterrorism policy, we suggest forming stronger partnerships through community-oriented policing.
A New Direction: Community-Oriented Policing for Counterterrorism

The previous section highlighted controversial policies employed by various national security and law enforcement agencies, which are not only contrary to democratic values, but ineffective strategies. This report, however, is does not limit itself to critiquing certain policies; it seeks a new direction forward.

Earlier we briefly mentioned the challenge of competing against terrorist firms in the “market for martyrs” and the need for a partnered solution – a “business merger” – between Muslim communities and law enforcement. The proposed partnership is based on a community-oriented policing model. This section spells out the details of a community-oriented policing-based counterterrorism enterprise and the separate, but interrelated roles Muslim American communities and law enforcement should play in tackling radicalization and violent extremism.

Introduction to Community-Oriented Policing

In order to successfully compete against terrorist firms and drive them out of the market for martyrs, law enforcement and Muslim communities should partner with each other based on a community-oriented policing model. Such a model is not only more respectful of community concerns than other forms of policing and information collection, it is also more effective by filling in a critical intelligence gap that other surveillance methods are unable to fill.

Before going further, it is important to better understand the terms “community-oriented policing” and “community” with respect to law enforcement activities. According to a Police Executive Research Forum report, Defining the “Community” in Community Policing, law enforcement agencies typically define communities along three lines:

1) **Geography** – where people live and/or work;
2) **Shared Identity** – groups of individuals with common demographic characteristics such as ethnicity, race, age, socio-economic status, religion, etc.;
3) **Common Concerns/Problems** – this may include common problems of high rates of violent crimes, etc.

The report goes on to recommend that police agencies enhance their understanding of communities, “not by adding factors, but by expanding upon the paradigms within which we view each factor.” For example, an expanded view of geography within a residential neighborhood may also include a civic center or a warehouse complex. An expanded view of common concerns may also include shared challenges within an area like a business or
recreational zone or a region recovering from a natural disaster. As a result, it can enhance officers’ ability to be responsive to the needs and challenges facing communities and build stronger, more effective relationships.

The concept of community-oriented policing lacks a single definition and perhaps is best described as a broad philosophy. It emerged from a series of police practice innovations in the 1980s and “is primarily focused on community partnerships and crime prevention.” It seeks to reduce and prevent crime not only through enforcement of criminal law, but also through administrative and civil law, conflict mediation and resolution, and joint problem solving with social services groups.

Whereas traditional policing is reactive and tends to distance itself from local citizens, community-oriented policing regularly communicates with the community and partners with it to proactively tackle issues of crime, fear of crime, disorder, and quality-of-life concerns. Under community-oriented policing, public attitudes toward the police are more important than in traditional policing.

According to Matthew Scheider and Robert Chapman, Senior Analysts at the Department of Justice’s Office of Community Oriented Policing Services, community-oriented policing is based on three interrelated elements: organizational change, problem solving and external partnerships. The first element is organizational change within law enforcement, which requires revising internal processes “that define organizational culture and activities.” The two most salient revisions would be a decentralization of the management structure, and creating focused geographic responsibility for patrol officers.

Decentralization of management would create a more “democratized” policing culture, allowing for greater input and information sharing internally from officers of all ranks. It encourages greater innovation among beat officers adapt to changing circumstances on the street and promotes a knowledge-building environment by critically evaluating minor mistakes rather than automatically punishing for them. Externally, democratized management promotes greater institutional transparency and trust by encouraging expert advice as well as feedback from community members.

Focused geographic responsibility for officers complements the trust-building aspects of democratized management. When assigned to fixed geographic areas of a community for an extended period of time, an officer learns about the issues that community members are facing, develops channels of communication with residents, and enhances police accountability with the residents of that area. All of this serves to create the foundations of understanding and trust that eventually produce the community knowledge officers use to tackle various types of crime, including terrorism.

The second aspect of community-oriented policing is problem solving. As a part of community-oriented policing’s proactive orientation, beat officers seek to address underlying conditions that foster crime and disorder in order to prevent future problems. This requires developing custom-made strategies for each community based on analysis from a wide variety of information sources.
The third component to community-oriented policing is external partnerships. This is critical to developing the proper information about challenges facing a community and the right types of solutions to those challenges. Partnerships involve good working relations with a wide variety of government agencies, as well as community members.

Community-Oriented Policing for Counterterrorism

as a Product Extension Merger

Returning to the market analogy, what this report proposes is akin to a product-extension merger. A “product extension” is when two companies selling different and non-competing, but related products in the same market join together. An example of a product-extension merger would be a car manufacturer and a tire supplier teaming up under one umbrella.

The nature of the merger would be based on a collaborative “courtship/just friends” relationship. Such a relationship seeks “to achieve an effective working relationship between the two companies rather than complete integration.” Mergers form for several reasons, two of which are relevant to this paper: synergy and increased market share.

Similarly, we propose a product-extension merger between law enforcement and Muslim Americans. Each partner has a set of particular strengths that can, if combined together, minimize each other’s weaknesses and create an effective synergy. This synergy would allow it to more effectively compete against terrorist firms in the “market for martyrs.”

Therefore, the proposed bi-lateral approach simultaneously requires a division labor, while maintaining a collaborative relationship. First, the division of labor.

Law enforcement must focus its energies on counterterrorism (i.e. criminal activities), not counterradicalization. The best antidote to extremism is the free marketplace place of ideas, including within Muslim communities. While law enforcement activities are not explicitly counterradicalization efforts in the sense that there is a direct counter-information effort directed at extremists, certain surveillance strategies – such as the heavy and underregulated use of informants and wiretaps – end up having a similar practical effect. They end up creating a chilling effect on entire communities’ exercise of free speech and prevent extremist ideologies to be effectively confronted by fellow congregants.

Law enforcement must ensure its efforts are precise so that limited resources are used efficiently and done in a manner respectful of civil liberties and civil rights. Mechanisms for legal redress and policy input must also be made available to correct mistakes. Otherwise, it will create a deeper sense of grievances that terrorists can exploit by creating an easier environment to operate in – hiding within communities who may be fearful and less willing to cooperate with law enforcement. (In fact a recent study by the University of Chicago Law School found Muslim Americans are much more likely to assist counterterrorism efforts if they believe law enforcement is a legitimate institution by acting fairly under the law toward their communities.) The heightened sense of fear and grievances also creates a greater pool of alienated people terrorists can tap into for recruitment.
Muslim communities' main task is counterradicalization efforts through better religious education, social programs and long-term constructive political engagement. These efforts would inoculate communities against radicalization by making communities religiously literate and foster strong social networks of mainstream Muslims through social services and programming, and invest in long-term growth of civil society groups. Furthermore, given their familiarity with other community members and unique cultural and linguistic competencies (which law enforcement continues to lack), they assist by providing law enforcement with extra information that can lead to terrorist arrests.

Law enforcement should work on clamping down on terrorist firms' ability to operate within the market for martyrs – terrorists' “entrepreneurial activities” – while Muslim communities should work on drying up the market itself. Law enforcement needs to make sure its actions do not undermine Muslim communities’ efforts and thus end up expanding the market for martyrs. Muslim communities need to maintain their willingness to assist legitimate law enforcement efforts to clamp down on terrorist firms’ ability operate within the market without impunity.

**Principles of Law Enforcement Engagement to Muslim Communities**

The relationship between law enforcement and Muslim communities is a two-way street. This section focuses on what law enforcement can do to productively engage Muslim communities, as well as other law enforcement challenges dealing with immigrant and minority communities. The following are a list of essential principles for law enforcement to consider:

1. **Decisions and assessments of Muslim communities must be made based on credible information.** Law enforcement must make sure that whatever judgments it makes about Muslim communities must come from credible sources. There is a cottage industry of individuals who seek to distort the image of Islam and Muslims. While everyone has the right to free speech, bigotry masquerading in scholarship without solid analysis is counterproductive when applied to counterterrorism. Therefore, it is essential that law enforcement get the correct information to make the best assessments possible.

2. **Respect for communities’ civil rights and civil liberties.** Many (but not all) Muslim communities – whether immigrant or indigenous African Americans – have negative perceptions of the police. The reasons for this perception vary among community and racial/ethnic group. For some, it is based on issues of race in America, while for others the police as an institution were regarded as instruments of oppression in their homeland. This creates an automatic barrier to police community outreach. In the current political climate, the actions of certain law enforcement agencies – whether spying on peaceful activist groups and houses of worship without reasonable suspicion, or religious profiling – have added to difficulties. These actions are not only contrary to American political values, they are counterproductive by eliciting fear within communities and making individuals less likely to cooperate with law enforcement. They also create a chilling effect on the exercise of free speech within communities. This makes it difficult for communities
to effectively confront extremist ideas if all congregants – including mainstream worshippers – feel they will be the subject of an investigation.

3. **Move away from a securitized relationship.** Muslim communities must broaden their engagement with civil society and the government beyond law enforcement. It is critical for civil society organizations to provide Muslim youth and mosques with the tools needed to enter into other policy issues such as civil rights, health and education. Even if one were to look at this purely from a security perspective, a relationship based on fear of terrorism only adds to communities’ sense of isolation and alienation. This also undermines the foundation of trust needed between law enforcement and Muslim American communities to elicit information in case a real threat exists. A community-oriented policing model uses a wide range of tools, beyond criminal law enforcement to control and prevent crime. Putting Muslim Americans in touch with a variety of social services to help vulnerable segments of their communities, such as ex-convicts, as community-oriented policing initiatives have done with other communities, is one helpful approach.159

4. **Leave the counterradicalization to Muslim communities.** As mentioned earlier, the partnership must be premised on a division of labor. Law enforcement should focus on terrorists’ criminal activities; Muslims have been, and must continue to be at the forefront of the ideological issues. Aside from a respect for civil rights and liberties, law enforcement must make sure its actions avoid the theological and political issues Muslim communities must deal with themselves. Doing otherwise is a task law enforcement are ill-tasked to handle and will undermine mainstream Muslim voices.

*The Role of Muslim Community Partners*

Up to this point, the discussion on community-oriented policing has focused on how law enforcement can obtain information from community members to prevent a possible terrorist attack. However, communities – in this particular case, Muslim Americans – can and must play a greater role beyond being largely passive sources of information. Muslim American communities can serve an important counterradicalization role through intellectual and social service initiatives that create a hostile environment for terrorist recruitment. While law enforcement focuses on counterterrorism (criminal activity), Muslim communities can protect the nation through counterradicalization efforts.

On the ideological front, Muslim American leaders and communities have been very strong and consistent in their denunciations of terrorism since 9/11. Studies on the backgrounds of Muslim terrorists consistently show such individuals tend to lack a firm foundation in religious knowledge. This view has not been lost on the religious leadership. Prominent traditionalist Muslim scholar Abdal Hakim Murad denounces Al-Qaeda and its ideologically like-minded ilk as those who “embrace a very secular heresy.”160 As mentioned earlier, thousands of other high-level Muslim scholars back this denunciation of Al-Qaeda’s terrorism, along with its distortion of Islam through the misuse of *jihad* and *takfir* (excommunication).161
At the grassroots level specifically within the United States, the Muslim Public Affairs Council developed and disseminated its National Grassroots Campaign to Fight Terrorism. The Campaign was endorsed by the Islamic Society North America, the largest Muslim umbrella organization in the United States.\(^{162}\)

However, intellectual responses like denunciation and prominent legal opinions are not the only response Muslim communities are taking to preventing terrorism. As our earlier analysis of terrorist recruitment highlighted, the issue is far more complex than merely the presence of radical ideologies and specific extremist personalities. Identity crises, largely based on perceptions of injustice and exclusion, and the presence of social networks are also extremely important factors leading to violent extremism.

Here, Muslim institutions and communities must also take a lead role. Muslim Americans must have the necessary social services available to them to inoculate their communities, including the most vulnerable members, against extremist ideologies. A vibrant civil society is necessary to the long-term defeat of extremist ideas. It ensures Muslims’ energies are channeled into mainstream activism that secures full integration into American society through political and civic engagement rather than fostering isolation and alienation that breeds extremism. Civil society organizations must be well-resourced to engage in activities relevant to individuals’ needs and maintain their credibility among communities.

Communities must expand their social service outreach by either developing their own faith-based organizations partnering with other outside private or public organizations. Attention must be given to social programming that expands religious literacy and addresses social issues relevant to youth relevant like drug use, peer pressure and understanding one’s Muslim American identity. Community and religious leaders who have the language and cultural expertise to connect to all members of their community – including youth and converts – must lead these programs.

Fortunately, Muslim Americans tend to be better integrated in terms of socio-economic status than European Muslims are. However, that does not mean Muslim Americans are completely immune to the problems of extremism facing European Muslim communities. If issues facing our community are not tackled in a thorough and multifaceted approach, challenges of preventing radicalization among Muslim Americans can become more difficult.

The current challenge of extremism among British Muslims serves as an example of the negative consequences of inadequate community leadership failing to effectively address relevant social issues. Some British Muslims’ lack of English-language skills and their cultural disconnect from the broader British society have led youth congregants to seek religious guidance from those able to address their concerns. Sadly, this includes some youth who have drifted into extremist groups.\(^{163}\)

Furthermore, a long-term vision of Muslim institution building is necessary to develop social, political and intellectual growth of Muslim American communities. Civil liberties-focused groups have the advantage of typically being able to deal with legal issues in ways that long term policy-engagement organizations are not equipped to handle at all. Policy-
oriented organizations are different in that they tackle problems in their early stages or even before they form.

If Muslim American communities seek to maximize their public policy influence and representation at local, state and federal levels, a better balance of policy and legal advocacy is needed. Their unique approaches to public policy and political influence may have their advantages and their disadvantages. They are not only complimentary, but necessary for the ongoing development and growth of Muslim American communities.

**Why Community-Oriented Policing?**

Informants are an extremely important tool and can be used to great effectiveness in various kinds of criminal investigations, including counterterrorism cases. According to Boston College Law Professor Robert Bloom, there are two types of informants: the “incidental informer” and the “confidential informer.”

This study focuses on the use of confidential informants, with respect to counterterrorism activities. Modern American policing has similar examples of legitimate and illegitimate uses of informants. The FBI has successfully used them against the organized crime syndicates, such as various mafia crime bosses in the 1980s. Former FBI counterterrorism agent Michael German has also described firsthand how informants – employed in a Constitutionally-sound manner – were effective in bringing down violent anti-government extremists and Neo-Nazi terrorists. However it has also abused their use, such as the investigation, infiltration and sabotage of radical but mostly non-violent groups under its Counterintelligence Program, or COINTELPRO.

We propose an information gathering model that shifts some of the emphasis away from traditional methods, such as the heavy use of informants, and towards a more community-oriented policing-based methodology.

There are three tactical reasons for this. First, intelligence-led policing models introduce a strong analytical bias that is not necessarily relevant to counterterrorism. Intelligence-led policing tends to focus on repeating criminal offenders and suspect networks. This bias is largely due to problems with managing extremely large volumes of information generated and seeking to identify those few nuggets of vital information that indicate a real threat in a sea of mundane data. The result is that intelligence-led policing focuses mostly on repeat profiles and particular networks of individuals; however, it fails to identify threats emanating from other individuals outside of these specific networks. This problem is especially likely to occur in a U.S. domestic context where terrorists appear favor cellular or “lone wolf” strategies, rather than being strongly connected to a network of other violent extremists.

Intelligence-led policing, particularly at the community level, also has a tendency to rely heavily on covert informants. The tactical and strategic limitations have been discussed at length earlier in this report.

As a quick recap:
• Informants provide a limited intelligence picture. Given the focused nature of informants, it leaves out important context, leaving an intelligence gap. This is especially the case where communities are fragmented and no one source of information is able to provide a full picture of the communities where terrorists operate within and/or plan to execute an attack against. This also makes it harder to verify the trustworthiness of the information being provided.\textsuperscript{170}

• Informants are of limited value when dealing with cellular structures. In networked hierarchical structures, penetration of an organization by one asset is likely to yield a great deal of information on the entire group as members are more likely to be in communication with one another. However, in a “leaderless” cellular structure,\textsuperscript{171} information and members are compartmentalized. Furthermore, penetration of one cell is less likely to yield information on other potential violent extremists, as opposed to a networked organization.\textsuperscript{172}

• Questionable use of informants undermines the strategic asset of strong community-law enforcement relations. Muslim communities may be less willing to cooperate with law enforcement based on a sense of “betrayal,” especially if they perceive terrorism busts to be cases of entrapment or provocation. It also undermines the credibility of mainstream religious leaders who advocate for engagement with law enforcement.\textsuperscript{173}

In order to achieve maximum effectiveness of information gathering, they will need to be supplemented with other information gathering methods, namely community knowledge. Furthermore, legal mechanisms and internal guidelines need to be strengthened to ensure informants actually prevent real criminal activity, not spy on innocent individuals.

How Community-Oriented Policing Develops Community Knowledge

Before the relationship between communities helping construct law enforcement’s understanding their crime challenges, it is important to first define the term “community knowledge.” This report the term as follows:\textsuperscript{174}

...open-source, rather than acquired from covert human sources, and is often provided by ordinary members of the public, rather than those who have some connection to criminal activity [such as informants] — the quality that, according to the dictates of police culture, provides criminal or crime intelligence with unique purchase... Whereas criminal intelligence tends to target particular individuals, and crime intelligence particular incident types, [community knowledge] covers a range of issues, frequently being used by police to build a picture of the contextual risks that a particular community group feels concerns about. [Community knowledge] applied to counterterrorism is precisely the type of data that might help police to circumvent the intelligence gaps and blind spots that seemingly inhere in their established networks.

Many community-oriented policing strategies have tended to rely on strong relations with a few strategic contacts as a means of engaging with communities and obtaining information from them where historically relations may have been difficult.\textsuperscript{175} However, such an approach is limited because it forces police to derive information from a limited number of
sources even though important bits of intelligence are spread across many community residents.

A more diffuse means of community knowledge building, beyond a core set of "strategic contacts," is needed. In this context, research by Stanford University sociologist Mark Granovetter is extremely helpful. Granovetter's research found individuals were able to collect diffuse information more effectively by relying on a network of people with loose ties, rather than relying on a small number of close contacts. Granovetter referred to this social phenomenon as the "strength of weak ties." A diffusion of intelligence is also something seen fairly frequently in intelligence and community-oriented policing issues. According to one study on counterterrorism and community knowledge:

Applied to issues of counterterrorism, where the key pieces of intelligence may well be diffusely located among different community members, it would seem that police strategic engagements need to be supplemented with a far more extensive network of community contacts.

Therefore, an integrated approach to community knowledge building is needed. Rather than replacing strategic contacts and intelligence-led policing approaches, law enforcement shift toward greater emphasis on community-oriented policing. Despite playing the dominant role in information gathering methods, it would not replace other approaches; it would be supplemented by them. The result is a combined information gathering strategy that blends the strengths of each approach and minimizes its weaknesses.

However, eliciting a better understanding of community jurisdiction cannot be done in a haphazard way. It must be done systematically, with high precision and accuracy, and great care. Under a community-oriented policing model, this would be done by tackling community problems through a process of scanning, analysis, response and assessment (SARA). Scheider and Chapman elaborate:

Departments first identify relevant or perceived crime problems (scanning), determine the nature and underlying conditions that give rise to those problems (analysis), craft and implement interventions that are linked to that analysis (response), and evaluate its effectiveness (assessment). The process is understood as continually involving feedback among the components. For instance, through in-depth analysis, agencies may come to define problems differently, effectively returning to the scanning phase. Likewise, an assessment may determine that a response was ineffective and that the problem requires additional analysis.

In the United Kingdom, such a method for enhanced SARA has been pioneered by researchers Martin Innes and Colin Roberts at the Universities’ Police Science Institute. They used a two-pronged method of information collection and analysis. The first method involves consensual individual-level street interviews with average community residents, called a “conversation with a purpose” (CWAP).

The premise behind CWAPing is “to ensure that whenever police staff interact with a member of the public who was not a victim, witness or suspect to some other incident, they saw it as an opportunity to check on any concerns that the citizen may have [regarding
disorder and hard crimes with a neighborhood] and if there were, to collect intelligence upon it."180 By CWAPing with local community members, beat officers can enhance their understanding about a particular area, and the challenges it faces.181

CWAPing is coupled with special software running on a tablet PC to make the interview more structured and better analyze the information from the interview. At this point, the information from a CWAP is interfaced and analyzed by specialized crime mapping software. It is an electronic tool that assists beat patrol officers’ analysis by deriving its information from CWAPs with community members who identify local concerns within a specific geographic area, ranging “from physical disorder right through to major crimes.”182

That location is broken down into a smaller subset of equally-sized cells which “equates to a sampling frame for building community knowledge. Individuals are then selected for interviews [CWAPs] and these interactions are conducted by local police staff…”183 The information from all of the interviews within limited geographic confines are then processed to match a correlation between problems and specific locations where several interview community members mention the same problem(s) taking place.184
Potential Challenges to Community-Oriented Policing for Counterterrorism

Community-oriented policing holds a lot of promise as a general crime-fighting plan, including for counterterrorism purposes. However, like any approach, it has its challenges and potential limitations.

Questions arise whether or not local and state policies agencies – the groups that are most likely to engage in community-oriented policing – are able to engage in counterterrorism. Others wonder whether or not community-oriented policing itself is adaptable to have any benefit for counterterrorism purposes.

Those types of questions are answered in this section. Here, we also discuss other potential challenges that occur for agencies seeking to implement a community-oriented policing strategy to crime, including counterterrorism. However the challenges likely to lie ahead are not insurmountable; law enforcement agencies have developed best practices that can overcome these barriers.

In addition to implementing community-oriented policing, there are also issues of how this fits into a larger national framework. As recent history has shown, to prevent a plot, it takes more than simply collecting information to prevent a terrorist attack. It also requires information being shared to relevant agencies in a timely manner. Information-sharing issues, within a community-oriented policing and counterterrorism context, are addressed.

Can Local and State Police Handle Counterterrorism?

Potential challenges to tapping into the full potential of community-oriented policing also exist among state and federal law enforcement agencies. By their very nature, federal entities have a much more difficult time engaging in community-oriented policing. This requires a greater focus on state and local efforts to develop information gathering capacities that can prevent and detect terrorist plots.

One may argue local and state law enforcement are not well-equipped to detect and disrupt terrorist plots. However, recent history going back no more than 30 years shows how local and state law enforcement have been at the forefront of detecting and preventing terrorists from carrying out attacks. In other words, combating terrorism in the United States is not a new concept for state and local law enforcement. Some examples of detected and prevented terrorist plots by local and state police include:

- **April 1980:** Las Fuerzas Armadas de Liberación Nacional Puertorriqueña, a Puerto Rican nationalist terrorist organization, is dealt a debilitating blow when several members are arrested by local police.
• **October 1987**: Local police in Vermont detect and prevent three members of a Lebanese terrorist group from carrying out a plot in the United States.  

• **April 1988**: A New Jersey State Policeman discovers and arrest a member of the Japanese Red Army, a Marxist terrorist organization, who is in possession of several improvised firebombs that were going to be used a terrorist attack.  

• **April 1995**: Oklahoma State Police apprehend Oklahoma City Bomber Timothy McVeigh after pulling him over during a routine traffic stop.  

• **July 1997**: New York City Police prevent two Palestinian terrorists from planning to bomb a crowded bus or subway station.  

• **October 2001**: Local police in Oregon discover a group of individuals engaged in firearms training in a rural area. It is later discovered these individuals are suspects of aiding terrorists in Afghanistan. The information gained by the local policeman is crucial to the later conviction these individuals.  

• **May 2003**: Local police in the Appalachian region of North Carolina apprehended long-time fugitive and terrorist Eric Rudolph.  

• **July 2005**: Los Angeles area police arrest members a small group of men in Torrance after an armed robbery at a gas station. Court evidence later shows the robbery was in preparation for later planned attacks against several targets in the L.A. area.

Despite the above examples of local and state police preventing terrorist attacks, some remain skeptical. New Jersey State Police analyst Raymond Guidetti lists two main problems with a community-oriented policing-based counterterrorism strategy. First, he argues state police typically lack “primary policing authority” that involves day-to-day enforcement of law in communities. Guidetti notes in limited circumstances, like rural areas, state police have direct responsibility for policing and therefore community-oriented policing is more feasible. However in urban areas where this is typically not the case, implementing community-oriented policing would be impossible.

Second, police-citizen partnerships meant to develop community knowledge will not be able to provide the necessary information to uncover terrorist plots. Communities will not have access to foreign terrorist cells like the 9/11 plotters who preferred to isolate themselves from outsiders in order to retain operational anonymity. In Guidetti’s assessment, “community-oriented policing efforts in place at the time when al-Qaeda operatives traversed the country did little for the state and local police in terms of uncovering this conspiracy.”

These limitations seem to be applicable to federal law enforcement as well, where they have multi-jurisdictional authority across the country, yet have no day-to-day “primary policing authority” anywhere.

Many of Guidetti’s points are valid. Though this report advocates for greater involvement in local efforts focusing on community-oriented policing, we recognize each intelligence gathering method has its strengths and weaknesses. We also agree that it is impractical or impossible for state and federal law enforcement to engage in full-scale community-oriented policing that seeks to produce daily tactical-level community-intelligence.
However, Guidetti’s arguments have shortcomings too. Many state and federal entities also engage in strategic-level community engagement with particular leaders. For instance, in a series of interviews for a Vera Institute of Justice report 14 of 16 FBI agents felt, “outreach and relationship-building with Arab American communities were valuable intelligence gathering efforts.” However this strategic contact approach also has its limitations. Likewise are the intelligence approaches that they also use to uncover potential plots, like undercover investigations and informants. In this same vein, community-oriented policing is not a panacea; it must be combined with other information gathering tools to have the most complete intelligence picture.

Yet, there have been several instances where community tips, including 6 from Muslims, which were crucial to preventing potential plots. A short list of prevented plots against the United States, both domestic and international, that involved important contributions from community information, includes:

- **July 1997**: Lafi Khalil and Gazi Ibrahim Abu Mezer are arrested in New York City after their roommate tips off police about bomb-making materials and their intention to use them against civilians.

- **October 2001**: The conviction of the “Portland 7” case was substantially helped after a local police officer encountered the suspects as they were engaged in target practice. The police officer had been sent to the area after a local citizen notified police that he heard gunfire.

- **September 2002**: Members of the “Lackawanna 6” are arrested. FBI first becomes aware of their activities in June 2001, when a local Muslim community member tips off the FBI.

- **April 2003**: A concerned citizen notifies local police of a mistakenly receives a suspicious package originating from anti-government terrorist William Krar. The tip-off starts a Federal investigation eventually leading to Krar’s arrest and a discovering cache of small arms and chemical weaponry.

- **February 2006**: Muslim community members in Ohio provide information helping to arrest and eventually convict three suspects planning attacks in Iraq.

- **August 2006**: British authorities arrest a group of British Muslims suspected of plotting to blow up several airplanes over the Atlantic. Authorities first become aware of the plot when they receive a tip from a concerned Muslim community member that “reported suspicions about an acquaintance.”

- **November 2006**: Neo-Nazi terrorist Demetrius “Van” Crocker is arrested after an investigation is set in motion by a tip-off from a concerned citizen.

- **October 2008**: Neo-Nazis Daniel Cowart and Paul Schesselman are arrested by local police, who received a tip from a concerned friend of the two suspects before going on a shooting spree against African-Americans.

- **July 2009**: Mosque leaders in Raleigh, North Carolina contact law enforcement to notify them of “violent, threatening action… considered to be dangerous” leading to the arrest of Daniel Boyd and six other individuals.

- **November 2009**: Five Virginia Muslim youth are detained in Pakistan after their concerned family members told American federal authorities the youth went missing. The five individuals allegedly tried to join a regional terrorist group.
Despite having a promising track record of counterterrorism effectiveness, community-oriented policing – whether it tackles everyday crime or is used as the central component of an intelligence gathering strategy – has its challenges. The next sections deal with challenges to an effective community-oriented policing-based counterterrorism enterprise at the local, state and federal levels.

**Potential Dilemmas to Community-Oriented Policing at the Local Level**

Those communities that tend to be confrontational and/or fearful of police are far less likely to act as cooperative partners. Differences with the police in community-oriented policing initiatives tend to arise in two areas, potentially undermining the necessary trust for an effective partnership.

One source of disagreement arises within law enforcement over which public safety issues should be given greater policing attention. Traditional police enforcement tends to narrowly focus on “hard” crimes dealt with in criminal law. Hard crime is typically a concern shared by community members; however, communities also want “soft” crime issues – also called “disorder” – dealt with. Examples of disorder include, “The rowdy teenagers on their street, the small-time drug dealers they walk past—even the dog that barks incessantly and the cars that don’t stop at the stop sign.” This leads to conflicts between traditional-oriented police officers narrowly-focused hard crimes on one hand, and community members and other law enforcement officers supporting community-oriented policing that wish to tackle disorder issues.

Yet, if police dogmatically adhere to a narrow enforcement approach, “they risk becoming irrelevant to the community, and so they threaten to undermine potential partnerships.” Furthermore, recent research suggests there is a strong direct and indirect connection between disorder and crime. If they do not address disorder issues, they dismiss an effective means of crime control.

However, for police officers there is some risk in adding disorder to their hard crimes portfolio. Doing so may end up generating more complaints out of retaliation because, as one beat patrolman noted, “People do not like being told to shut your party down, keep your dog quiet, keep your kids off the neighbor’s lawn.” This has a potentially counterproductive effect by making officers less enthusiastic about proactive community engagement and could contribute to a more negative perception of police among ordinary citizens.

The second is conflict over how much authority police should use. The flip side to strong efforts to control disorder is that some in the community may feel they are being harassed by police officers. This is paradoxical given that many of the same people are also call for police to address quality-of-life and community disorder issues. This issue is especially relevant to economically underprivileged communities (typically racial and ethnic minorities) suffering high crime rates. There is particular sensitivity over issues of the excessive and deadly use of force and perceptions of racial profiling.
According to a study on policing by the National Research Council (NRC), *Fairness and Effectiveness in Policing The Evidence*, found “there is usually racial disparity in the use of nonlethal force, and often considerable racial disparity in the use of lethal force.” The NRC study also found that while statistical studies addressing the issue of racial profiling are not consistently reliable, it did note some law enforcement officials admitted “they considered race as one among many probabilistic factors of criminal activity by police.” It also noted perceptions of racial profiling by police were widespread among minority groups such as African-Americans.

According to the NRC study, the most effective response to the excessive use of force and more community-friendly engagement is reforming internal administrative rules. However, it also runs the risk of facing opposition within police departments. Some officers may perceive such changes as an infringement upon their ability to do their jobs properly due to political pressures from a hostile faction within the community based on an isolated incident. These factors are further complicated by issues unique to various immigrant communities, including Muslim groups of various foreign ethnicities. Such challenges include:

- Large numbers of non-English speakers, which inhibits communication between immigrants and police
- Reluctance to report crime due to fears over getting themselves, their family or friends’ immigration status known to authorities
- Fear of the police based on past experiences in one’s homeland
- Cultural miscommunications in routine encounters
- Negative interpersonal contact, such as rude or disrespectful behavior that undermines goodwill and trust
- Fear of immigration enforcement by local police

Ultimately, what this review of the challenges to implementing community-oriented policing at the local level seeks to highlight is that the benefits such an approach bring challenges. There will likely be opposition by various ordinary citizen and law enforcement communities. Achieving the optimal performance that mitigates or avoids confrontation is complex; however various law enforcement agencies and communities have developed three strategies to deal with these issues.

The first is synthesizing distinct values and priorities. One example is how some police agencies argue that applying the “broken windows” thesis of community-oriented policing to reduce crime provided their officers with a better way of looking for violent fugitives. Proactive policing and local community contacts – at both the “grasstop” and grassroots levels – not only yields better information to reduce general crime and disorder, but it also fills in a critical intelligence gap that can successfully prevent terrorist plots.

The second strategy is to divide responsibilities within a police organization. Some police departments maintain internal divisions of labor: some sections will focus on violent crimes and traditional reactive policing, while others are more dedicated to disorder issues and community-oriented policing. This can lead to internal conflicts within organizations because the differing interests and approaches may come into conflict with each other. It can also
lead to "information stovepiping," where different organizations fail to communicate with one another, largely based on internal conflicts.  

The third strategy is to balance the competing values, priorities and approaches within policing organizations. Sometimes it is impossible to make synthesis a reality in police organizations. However, simultaneous traditional and community-oriented policing approaches can be beneficial to combating crime (including terrorism), making a balancing approach necessary. In many cases, this takes the form of restrictions on police conduct and more controversially, the use of force when making an arrest.  

In addition, local police agencies have also developed a number of strategies to deal with the specific challenges posed when working with immigrant communities:

- Partnering with other departments engaged with similar challenges. Many community police agencies in a given area or policing the same ethnic/racial/religious groups of immigrants face similar problems. As a result, many have developed joint efforts to tackle these issues and share best practices.
- Providing strong executive leadership. Efforts such as developing guidelines (and training to implement them), assistance and feedback from middle managers, incentives to build cultural and language competency, and robust “carrots and sticks” to promote desired behavior with communities are noted to be effective.
- Recruiting a more diverse police force. Some police departments provide financial incentives for individuals to pursue a college education and then hire them upon graduation.
- Making a community internship part of the cadet curriculum. The effect of this is potentially twofold. First, communities may become more familiarized and comfortable with the cadet, so that when the cadet becomes an officer immigrant may feel more comfortable interacting with him. Second, hands-on training (such as an internship), builds practical critical-thinking skills and rapid adaptability that are needed in community-oriented policing, but not emphasized in pedagogically based instruction styles within many police academies.

Information Sharing Challenges at the Federal, State and Local Levels: Joint Terrorism Task Forces and Fusion Centers

The value of a combined intelligence approach to domestic terrorism that includes community-oriented policing will be wasted if information cannot be properly exchanged. The events leading up to 9/11 show a massive breakdown of intelligence failures based on a failure to share information between internationally-focused intelligence agencies and among local, state and federal law enforcement entities. In this regard, community knowledge-building, which is mostly a local police affair, must be streamlined with gains from state and federal level intelligence gathering efforts.

The two main links between local, state and federal enforcement are the Joint Terrorism Task Forces (JTTFs) and Fusion Centers. While the purpose of both entities is to create a focal point for piecing together and analyzing disparate bits of information from various agencies, each entity has flaws hindering effective information sharing.
The Joint Terrorism Task Forces started in 1979 as an effort to enhance cooperation between New York City and FBI officers. It was first used to enhance local law enforcement that dealt with an overwhelming number of bank robberies. The concept was effective and eventually was applied to counterterrorism. Prior to this point, cooperation between local and federal law enforcement was ad hoc. The establishment of a JTTF institutionalized, or at least attempted to institutionalize, cooperation and cohesion between the FBI and local police.224

Currently, there are 106 JTTFs across the country in each of the FBI field offices.225 They include numerous local and federal agencies, such as the State Department’s Diplomatic Security Services, the Bureau of Alcohol, Tobacco and Firearms, and the Immigration and Naturalization Service (now called Immigration and Customs Enforcement).226

All JTTFs are governed by a formal memorandum of understanding (MOU), which defines the parameters of how the task force is to operate. Operations are based on two broad objectives:227

1. **Reactive.** Responding to and investigating terrorist incidents and other related criminal activity.
2. **Proactive.** To investigate domestic and foreign terrorists for the purpose of detecting, preventing and prosecuting terrorist and other criminal activity.

In order for the JTTF to be effective and successful, all of the different law enforcement agencies represented on the task force must utilize their strengths and minimize their weaknesses in such a way that they act as a single cohesive unit.228 In theory, this can work well; however, this is much more difficult in practice.

One of the more successful examples of a JTTF was the response to the 1993 World Trade Center bombings in New York City. The task force was effective in responding to the incident by calming people’s fears and re-establishing a sense of normalcy in the city. Furthermore, its quick investigatory response tracked down the perpetrators and prevented a second and potentially more deadly incident from taking place.229

However, there are several issues with the JTTF in practice. First is that there are civil liberties concerns stemming back to the 1960s and 1970s, when law enforcement was used as an extension of federal agencies to conduct domestic surveillance.230 During this period, spying was conducted on non-violent anti-war groups. In recent years, there have been several reports by such groups, as well as Muslim organizations, which reported infiltration and spying by federal and local law enforcement agencies without any indication of ongoing criminal activity.231 These cases have extended to instances of Muslim American communities being spied on by informants, such as Craig Montelih in California232 and Shahed Hussain in New York.233

While legal aspects of the greatly concerns us, this is outside the scope of our paper; we defer this issue to other organizations with greater expertise on such perspectives. From MPAC’s policy-oriented view, there is an additional concern that these fishing expeditions
pose: They are ineffective and counterproductive to advancing national security because they waste limited resources investigating non-violent individuals and overlooking real threats.

Much of the issue regarding civil liberties abuses is rooted in the weakening of legal protections and reduction of oversight since 9/11. Those are larger issues that are largely outside the scope of this paper. We focus on how the structure of the JTTFs not only contributes to civil liberties abuses but also fails to fill an important intelligence gap at the local level.

One problem is the issue of security clearances and its impact on information sharing between federal and local law enforcement agencies. Many local law enforcement agencies and individual officials can, and have had trouble obtaining the necessary clearance to access information at the highest levels allowed. This made many local officials feel like they were being marginalized from a JTTF’s day-to-day operations.

Furthermore, the passing on of sensitive information from federal to local officials can be impeded because they will not have full details as to the information behind how a threat is emerging. This prevents local law enforcement individuals from fully contributing their benefits to the task force by being prevented from reviewing the sources and methods of information and corroborating the veracity of the threat.  

Combined with allegations of ongoing civil liberties abuses, the lack of security clearances impedes oversight of operations and contributes to the deterioration of internal cohesion within the task force. Portland, Oregon is a case where the mayor, who also serves as the city’s top police executive, failed to get top secret clearance and as a result pulled the Portland police out of the JTTF in January 2005.

The second problem with the JTTFs has to do with the typical structure of the memorandum of understanding (MOU). MOUs tend to work in a unidirectional fashion where the informational flows tend to move from the bottom to the top. All JTTFs are governed by a Special Agent in Charge or an Assistant Special Agent in Charge from the FBI. Power sharing is less horizontal between local and federal agencies and more vertical. Furthermore, all resource control, direction of policy is governed by the FBI (including day-to-day supervision), and maintenance and production of reports and records is also governed by the FBI. The problem is compounded by the fact that each task force participant is "subject to the personnel rules, regulations, laws and policies applicable to those of their respective agencies."  

In some cases, local and state law enforcement (like in Portland, Oregon) are governed by privacy and civil liberties protections stronger than current federal laws and guidelines. This creates a conflict over governance and oversight of investigations between local and federal law enforcement agencies. This too adds to the deterioration of internal coherence within the task force.

Like the Joint Terrorism Task Force concept, fusion centers try to act as a central repository for bringing together bits of intelligence information, as well as different skills and abilities. While the actual entity of a fusion center came into being after 9/11, the concept itself has been around for decades. However, typically these criminal intelligence systems were,
"related to violent gangs, drug trafficking, prostitution, child exploitation, weapons smuggling, theft rings and other crimes." Many of today’s Fusion Center entities are an extension of these earlier databases, but contain a higher degree of collaboration between local, state and federal law enforcement agencies.

The concept of the Fusion Center presents a lot of promise in theory. It creates a mechanism that allows for greater information sharing and synergy between law enforcement agencies at the tribal, local, state and federal levels. One of the added potential benefits of Fusion Centers is it can tap into the 800,000 plus local and state law enforcement agencies to act as additional eyes and ears to prevent terrorist plots.

In practice, however, fusion centers have several shortcomings. The first problematic activity of some Fusion Centers is its involvement in data mining. This is the same problem that plagues the NSA’s warrantless wiretapping program. A recent report from the National Research Council (NRC), Protecting Individual Privacy in the Struggle Against Terrorists, concurs found data mining is ineffective at best and counterproductive at worst. The report finds that even if one were to assume that the information in a database behind any data mining program is valid (which is not the case), the results are likely to be error prone. As the report notes, “even with high-quality lists, the percentage of false matches and false non-matches may still be uncomfortably high.”

The end result of such a program is an “information overload” (also sometimes referred to as information “pipecllogging”) that generates data on innocent individuals while missing credible threats. This will unnecessarily divert and exhaust limited investigatory and analytical resources. It is this result that leads the NRC report to conclude, “the desirability of technology development efforts aimed at automated terrorist identification is highly questionable.”

In addition, Fusion Centers have had problems developing their abilities to adequately analyze open-source intelligence. In February 2009, a Fusion Center based in northern Texas put out an report, based entirely on open-source information from dubious sources, which advocated spying on non-criminal anti-war activists and Muslim advocacy groups. Clearly, this incident and others highlight concerns over civil liberties; however, there is also an important security component to this. Since the end of the Cold War, intelligence agencies have been struggling to deal with an information revolution fueled by rapid advances in technology from globalization. According to intelligence experts cited by a Congressional Research Service report on open source intelligence, open-source intelligence accounts for at least 80 percent of the information used by policy makers need to make their decisions.

However, if Fusion Centers are unable to properly sift through vast amounts of open-source intelligence, particularly when attempting to distinguish between violent extremists and non-violent actors, they risk developing a faulty perception of real threats that leads to civil liberties abuses and misidentification of real threats. This problem is underscored by a recent Congressional report on open-source intelligence analysis at Fusion Centers. The report, developed by the U.S. House of Representatives’ Committee on Homeland Security, polled over 300 fusion center employees across the country. It found fusion center analysts lacked critical subject matter expertise and basic training in intelligence analysis.
Not surprisingly it also found 60% of polled Fusion Center employees felt “DHS needs to establish a robust training program in addition to producing open-source products with actionable recommendations.” Furthermore, it found only 17% of respondents said they relied on DHS for open source intelligence. Such a response coming directly from those working on the frontlines against terrorism at Fusion Centers highlight the critical need for better training in this area.

The other shortcoming of fusion centers is they watch and record the everyday activities, whether criminal or non-criminal in nature, of a growing list of individuals. Such monitoring is referred to as called Suspicious Activity Reports (SARs). This includes innocuous and First Amendment-protected activities. Again, while civil liberties are a major concern, this is not the focus of our paper. From a security standpoint, monitoring such innocuous behavior is both ineffective and counterproductive.

The motivation for collecting and analyzing such behaviors is based on an emerging research field called “behavioral profiling.” Behavioral profiling has enormous potential in identifying possible suspicious activities that may indicate of terrorist behavior. For instance, behavioral profiling caught “Millennium Bomber” Ahmed Ressam in 1999, uncovered a potential plot in 1987 by Walid Kabbani, Walid Mourad and George Younan, and prevented another planned attack by Yu Kikumura in 1988. Nonetheless, it is not consistently reliable and those cases mentioned above relied heavily depends upon an officer’s experience, intuition and common sense. Even behavioral profiling advocates, such as Bruce Schneier, admit that it can be easily abused. Nor does he advocate for more complex and computerized forms behavioral profiling, which characterize SARs. In fact, such behavioral profiling is largely ineffective at best and counterproductive at worst. A recent report from the National Research Council report, Protecting Individual Privacy in the Struggle Against Terrorists, concurs. According to its findings:

The status of the scientific evidence, the risk of false positives, invulnerability to counter measures argue for behavioral observation and physiological monitoring to be used at most as a preliminary screening method for identifying individuals who merit additional follow-up investigation. Indeed, there is no consensus in the relevant scientific community nor on the [National Research Council] committee regarding whether any behavioral surveillance or physiological monitoring techniques are ready for use at all in the counterterrorist context given the present state of the science.

Research on behavioral profiling is still at a preliminary stage. Furthermore, the experimental conditions under which behavioral profiling is tested do not reflect the realistic everyday environment that terrorists and other criminal and terrorists operate in. Even when used as a preliminary screening method, it will still identify large numbers of individuals who will come under suspicion and require significant amounts of resources for follow-up investigations that can be better employed elsewhere.

The federal government has sought to resolve the problem of information overload from the use of SARs by publishing Version 1.5 of its ISE SAR Functional Standard, which seeks to
“distinguish between behavior that is legal or constitutionally protected and that which is potentially associated with criminal activity.” It has also sought to establish a training program for beat patrol personnel, law enforcement executives and intelligence analysts. While the publication of the *Functional Standard* and training for law enforcement personnel are a step in the right direction, the diffusion and implementation of these fixes has been uneven since Fusion Centers lack a single legal authority that governs and coordinates their development.

Furthermore, the monitoring and collection of innocuous activities (and including the use of private commercial databases) without any reasonable indication of a connection to criminal activity is contrary to Title 28, Part 23 of the Code of Federal Regulations (CFR 28). The intent of CFR 28, Part 23 is not only meant to reasonably protect people’s privacy and civil liberties, it is designed to ensure law enforcements focuses on real criminal activities and not engage in ineffective and counterproductive fishing expeditions. Fusion centers are already struggling with information overload from unfocused information gathering and being linked to redundant information systems. Strong civil liberties protections are also an important means of data streamlining and quality control. However, bypassing the safeguards of CFR 28, Part 23 not only opens the door to civil liberties abuses, it also contributes to information “pipeclogging” of mundane data and pollutes criminal intelligence databases with bad information.

All of these problems are compounded by the fact that these entities’ information capabilities are increasingly and seamlessly linked with each other. If a faulty analytical product is developed at one fusion center the problem spreads to the other fusion centers and government entities it is linked to. Faulty analyses can quickly metastasize; distorting threat perceptions and wasting limited resources if there is not a rapid, efficient and effective redress process.
Conclusion and Policy Recommendations

Radicalization is a multi-faceted process that cannot be boiled down to a single causal factor. As such, policy responses from law enforcement, the government and local communities must reflect this complexity. This must include recognition from policymakers that stamping out terrorism cannot be done by enforcement without community help.

Law enforcement and Muslim communities need to strengthen their relations and recognize the separate but interrelated roles they play in safeguarding America. This relationship must be built on a firm foundation of trust, which must be premised on a respect for civil liberties. By involving all citizens – communities and law enforcement alike – in the effort to defeat terrorism, America can remain both safe and free. Therefore our report offers the following general recommendations:

To Muslim American Communities:

- Develop better programming and support networks, particularly for Muslim youth and converts. Mosques and religious community leaders have the ability to proactively enrich their congregants’ spiritual lives, as well as to ensure they do not fall prey to extremism and possible criminal activities. Communities should also develop support networks, social programs and means of information outreach, that are directly relevant to the everyday activities and concerns of congregants, especially to youth and converts.

- Counter cyber-based extremism. Outreach must include dealing with the challenge of radicalism on the Internet. These plans of action should also be expanded to include outreach through the Internet where mainstream “E-dawah” (electronic religious outreach) can counteract extremists’ deceptive image of “Jihadi cool.” Since research indicates consumption of cyber-based extremist material is a symptom, not a cause of radicalization, the most effective outreach remains in the real world. Mosques can serve as conduits for healthy discussions of media information and perception of Muslims, including extremist material on the Internet.

- Invest in long-term institutional creation and development. Central to ensuring the longevity of the Muslim American community and its integration into America is sound institutional development. There are multiple challenges facing Muslim American communities, which require multiple solutions coming from multiple organizations. No single Muslim American organization can provide the solutions to all of our communities’ problems. There needs to continue to be strong support for the creation and development of policy engagement, civil liberties and social welfare organizations.
Invest in Muslim youth leadership training. Since they represent the future of our communities, young people should carry part of the responsibility of representing Muslim American interests. The Muslim Public Affairs Council conducts its annual Youth Leadership Summit, which immerses young Muslim Americans in civic and political engagement and creates a network of like-minded young leaders around the country. Another Islamic faith-based organization, the Muslim Public Service Network has done similar work for over 16 years. Such programs provide Muslim American youth with the spiritual and professional skills needed to develop the next generation of ethically and professionally capable leaders. Such organizations need their financial and programming capacities to be expanded through the assistance of community donations and general operating grants from philanthropic organizations.

Invest in long-term homegrown religious leadership education and development. Anecdotal evidence appears to point toward the beginning of a generational gap between Muslims born and/or raised in America and their immigrant parents. As such, the spiritual needs of the younger generation (as well as converts) are shaped by a different social context than older generations, requiring different modes of religious thinking and spiritual outreach. Muslim communities should encourage students to attend colleges such as Hartford Seminary that offer Islamic chaplaincy courses. Community leaders should also seek to create indigenous religious institutions tailored to the religious needs of Muslim Americans.

Promote partnership and information exchanges between Muslim communities and institutions. No one community or Muslim American organization has all the solutions to the challenges it faces. It requires a multi-faceted and, preferably coordinated approach. For instance on the topic of radicalization, MPAC plans to convene a conference in DC with prominent American Imams and government policymakers which will lay down the foundations for a renewed partnership.

To Law Enforcement:

Continue to adopt community-oriented policing practices. If law enforcement wants to establish and continue its partnerships with Muslim American communities in fighting crime and preventing terrorism, then it needs to continue to cultivate those relationships through community-oriented policing. These relationships require much effort and resources to maintain. The Department of Justice’s Office of Community Oriented Policing Services (COPS) – which was recently allocated $1 billion in stimulus money from Congress – can serve as an important resource by providing technical resources and information on best practices.

Continue to research and adopt practices reconciling federal, local and state policing efforts and priorities within Joint Terrorism Task Forces. Federal offices like COPS should continue to collaborate with law enforcement foundations like the Police Executive Research Forum to strengthen local-federal police partnerships. Meanwhile, JTTFs are encouraged to examine and adopt practices that
will empower rather than undermine local community-oriented policing efforts.268 Memoranda of Understanding governing JTTF activities should provide better delineation of information sharing from Federal entities to its state and local partners.

- **Adopt MPACs principles for community engagement with Muslim Americans.** Again, these principles are 1) decisions and assessments of Muslim communities must be made based on credible information, 2) respect for communities' civil rights and civil liberties must be maintained at all levels, 3) move away from a “securitized” relationship, and 4) leave the counterradicalization to Muslim communities. These principles are meant to form the foundation of an effective partnership with Muslim American communities against violent extremism.

- **Highlight Muslim American contributions to local and national security.** Much of the national discourse surrounding Muslim Americans is shrouded in fear rather than facts. This is especially true when it comes to terrorism. Despite substantial evidence of Muslim community members denouncing terrorism and even assisting law enforcement investigations, misperceptions about Muslim Americans persist. Unfounded or even exaggerated charges of extremism and terrorism can undermine relations between Muslims and their neighbors, pushing communities toward isolation and alienation. Law enforcement officials must be extremely proactive in this regard by publicly emphasizing Muslim Americans’ assistance and cooperation in preventing extremism and terrorism.

**To Local, State and Federal Governments:**

- **Raise legal standards and build infrastructure to protect civil liberties.** This is essential to ensure the “synergy” between Muslim communities and law enforcement is strong. Congress should examine stronger legal remedies that rein in abuses of National Security Letters and strengthen the Foreign Intelligence Surveillance Act. Congress should also consider using appropriations funding to push DHS and state and local fusion centers to adopt greater civil liberties protections, including CFR 28 Part 23. Attorney General Eric Holder should thoroughly re-examine the Department of Justice’s current Domestic Investigations Operations Guidelines to effectively address concerns over the use of informants and the legal standards for opening an investigation on a surveillance target.270 The President can also assist in the effort to strengthen civil liberties by populating and empower the Privacy Civil Liberties Oversight Board. The board is currently vacant, prompting concerns from civil liberties and policy advocacy groups.271 The Attorney General can also take further steps to strengthen the President’s Intelligence Advisory Board and the Intelligence Oversight Board.272

- **Take steps to address racial profiling.** It is not only unethical, but ineffective and counterproductive counterterrorism that alienates Muslim communities. Congress should support legislative initiatives banning racial/religious/ethnic profiling across all law enforcement agencies in the US, including at the local, state and federal levels (including the End Racial Profiling Act). This should include all types of
investigations, including criminal and domestic counterintelligence operations. Meanwhile, the Attorney General can enhance the Department of Justice’s guidance document on the use of race in law enforcement investigations to include ethnic and religious profiling. The guidance should also be applicable to all federal agencies and types of investigations. The Attorney General should also institute a thorough re-examination of the Domestic Investigations Operations Guidelines and address concerns over possible “ethnic mapping” permitted under the current Guidelines.

- Overhaul the Fusion Center development process at the Federal level. The current network of Fusion Centers across the country remains disjointed, despite being interconnected with other state and regional centers and receiving a significant portion of federal funds. A coordinating office that has the power to harmonize the activities and development of Fusion Centers is needed. The Office of the Program Manager of the Information Sharing Environment (PM-ISE) appears to be best suited for this role. The PM-ISE should contain audit functions such as Privacy and Civil Liberties Impact Assessment capabilities to identify those fusion centers not in compliance with the ISE Functional Standard and personnel training standards. Congress should also make civil liberties concerns – such as compliance with CFR 28 Part 23 and PM-ISE protocols – a factor in deciding whether or not to give grants to state and regional Fusion Centers.

- Encourage coordination of fusion center development at the state level. State governments should also create their own oversight board, similar to the Texas Intelligence Council (TIC). The TIC has its own independent auditing capabilities and includes civilians to better incorporate better feedback and integrate itself with local community-oriented policing efforts. State level efforts should be coordinated by a mechanism like the National Council of State Legislature’s Task Force on Homeland Security and Emergency Preparedness.

- Encourage further research and adoption of community-oriented policing practices. Congress recently allocated $1 billion toward community-oriented policing as a part of its stimulus package legislation. This is a step in the right direction. Such funding levels should be maintained in the coming fiscal years and additional appropriations should be allocated specifically toward conduct on improving community-oriented policing practices.

- Expand investments in better human capital acquisition and training. The United States needs more individuals with language and subject matter expertise serving at all levels in all agencies, including law enforcement and national security. Currently entities such as the State Department, Bureau of Prisons or the Federal Bureau of Investigation lack individuals with such language and subject matter expertise. It should encourage entry into the public workforce through diversity recruitment at job fairs as well as expanding financial incentives such as the National Security Education Program scholarships, research fellowships and tuition reduction for recent college graduation.
Appendix:
The Qur’an on the Rules of the Use of Force
& the Sanctity of Life

Extremists selectively quote certain Quranic verses out of context in order to justify their radical ideology and violent behavior. MPAC, like all other mainstream organizations and individuals, believes such interpretations profoundly misrepresent the teachings of the Qur’an and Islam.

Dr. Maher Hathout, Senior Advisor to the Muslim Public Affairs Council and a leading Muslim American thinker on topics related to Islam and Muslims, offers a brief Qur’anic commentary.

According to the Qur’an, faith in God is a call to life, not to death:

- “O you who have attained faith, respond to God and the apostle whenever he calls you unto that which gives you life…” (8:24)

Human diversity is meant to be celebrated and reflected upon as a part of God’s will, not a reason for conflict:

- “...had your Lord so willed, he could have surely made all mankind one single community, but He willed it otherwise, and so we continue to have differences…” (11:118-19)
- “Oh humanity! Behold we have created you all out of a male and a female and have made you into nations and tribes, so that you may come to know one another. Verily the noblest of you in the sight of God is the most deeply conscious of Him.” (49:13)

All human beings, regardless of background have an inherent dignity and sanctity that is not to be violated:

- “We have bestowed dignity upon the children of Adam.” (17:70)

Violence is permitted only against combatants and under the guide of self-defense and enforcing the rule of law to pursue justice:

- “…take not life, which God hath made sacred, except by way of justice and law; thus doth He command you, that ye may learn wisdom.” (6:151)
- “And fight in God’s cause against those who initially urge war against you, but do not commit aggression for verily God does not love aggressors…”
Killing of an innocent person disregards the sanctity and dignity of a person so much as that God considers it to be a crime against all of humanity:

- “...because of this did we ordain onto the children of Israel that if anyone slays a human being [in the punishment of murder or spreading corruption on earth], it is as though he had slain all mankind, whereas, if anyone saves a life it shall be as though he had saved the life of all mankind...” (5:32)

Muslims must always act justly toward others, regardless of the circumstances or the people:

- “Let not the wrongdoing of others sway you into injustice.” (5:8)
- “Oh believers! Stand out firmly for justice, as witnesses to God, even as against yourselves, or your parents, or your kin, and whether it be rich or poor: for God can best protect both...” (4:135)
Endnotes

2 Ibid.
3 For a comprehensive list of Muslim terror denunciations, see: “Muslim Voices Against Extremism and Terrorism.” The Muslim American, (June 1, 2007). Available at: http://www.theamericanmuslim.org/tam.php/features/articles/muslim_voices_against_extremism_and-terrorism_2/.
7 For a comprehensive list of Muslim terror denunciations, see: “Muslim Voices Against Extremism and Terrorism.” The Muslim American, (June 1, 2007). Available at: http://www.theamericanmuslim.org/tam.php/features/articles/muslim_voices_against_extremism_and-terrorism_2/.
11 For further information, see: http://www.mpac.org/ngcft/
14 Thomas L. Friedman, “If It’s a Muslim Problem, It Needs a Muslim Solution.” New York Times, (July 8, 2005). Available at: http://www.nytimes.com/2005/07/08/opinion/08friedman.html?_r=1&incamp=article_popular_5; Also see a bloggers analysis of an Associated Press article on the alleged silence of European Muslims against terrorism. See: “Why are Muslims Silent on Terrorism?” Little Green Footballs, (June


19 “Muslim Americans: Middle Class and Mostly Mainstream”, P. 31.


21 Ibid., P. 19.

22 Ibid., P. 37-38.

23 Muslim Americans: Middle Class and Mostly Mainstream.” P. 53.


As of December 2006 Edwin Bakker, a Dutch security expert compiled a database of only 242 European Muslim terrorists. This number is very small compared to the number of non-violent extremists. See: Edwin Bakker *Jihadi Terrorists in Europe. Their Characteristics and the Circumstances in which they joined the Jihad: An Exploratory Study*. (Clingendael: Hague, Netherlands, 2006).

Ibid., P. 38.

Sageman, *Leaderless Jihad*, P. 48

46 The number of radical website has significantly grown in the past few years. According to Gabriel Weimann there are at least 4,800 such websites. See: Gabriel Weimann, *Terror on the Internet: The New Arena, the New Challenges*. (Washington, D.C.: United States Institute of Peace, 2006).

47 Taken from: Alejandro J. Beutel, “Radicalization and Homegrown Terrorism in Western Muslim Communities: Lessons Learned for America.” *Minaret of Freedom Institute*, (August 30, 2007), P. 12. Available at: http://www.minaret.org/MPAC%20Backgrounder.pdf


49 Ibid., P. 8.

50 Ibid., P. 8.


56 Ibid., 9.


60 Beutel and Ahmad, “Justification for Violence: Religion or Policies?”, P. 24-25.


62 Lia, “Al-Qaida’s Appeal, P. 3.

63 Wiktorowicz, “Joining the Cause”, P. 11.


65 Ibid., P. 13.

66 Ibid., P. 13.

67 Ibid., P. 13.


69 Ibid., P. 80.


71 Ibid.
For instance, in response to the notion of shutting down controversial websites, extremist preacher Omar Bakri Mohammed replied, “I don’t think what they are doing is going to stop the Islamists or the Muslims from conveying the Islamic message.” See: Michael Holden, “West Struggles in Vain Against Web Radicalisation.” Reuters, (November 6, 2007). Available at: http://www.reuters.com/article/idUSL0617085420071108.


Ibid., P. 2.

Ibid., P. 3.

Ibid., P. 3.

Ibid., P. 2.

Ibid., P. 3.

Ibid., P. 3.

Ibid., P. 2.


95 Diamond, “Al-Qaeda Steers Clear”.


102 Sorrells, “Taps and Terrorism”, P. 189.


104 “Unclassified Report on the President’s Surveillance Program,” P. 38.


Bloom, “A Historical Overview of Informants;” P. 3.

Ibid., P. 7, 10.

Ibid., P. 11.


Ibid., P. 36-61.


Beam, “Leaderless Resistance”

Dyson, Terrorism An Investigator’s Handbook, P. 62.


German, Thinking Like a Terrorist, P. 59-68.

130 Cases that come to mind include the Sears Plot Tower Seven, the Newburgh Four, the Fort Dix Six and the JFK Four.


133 David A. Harris, “Law Enforcement and Intelligence Gathering in Muslim and Immigrant Communities After 9/11.” University of Pittsburgh School of Law (January 2009).


139 This includes groups on the far conservative edge of the spectrum of mainstream Muslim organizations. According to a report by the Combating Terrorism Center on Ayman Al-Zawahiri’s statements Al-Qaeda sees the conservative Muslim Brotherhood as a long-term strategic threat to its existence because of its non-violent activism. As the report notes: “Hard-line Jihadist organizations like Al-Qa’ida both fear and despise the Islamist political movement called the Muslim Brotherhood, in large part because the Brotherhood effectively garners support from the same constituencies that Jihadists are desperate to court. Because the Muslim Brotherhood and Jihadists share a similar ideological lineage, Jihadists tend to focus their criticism on the Brotherhood’s willingness to participate in secular politics as a vehicle for attacking their Islamic credentials.”


141 Ibid., P. 7.

142 Ibid., P. 7.
144 Ibid., P. 55.
147 Ibid., P. 356.
149 Scheider and Chapman, “Community Policing and Terrorism.”
150 Ibid.
156 For citations, see footnote 13.
158 Even this latter aspect of community-oriented policing has an important public safety benefit. For instance, in a January 2010 Senate Foreign Relations Committee report, law enforcement officials expressed concern that upon leaving prison, a number of American ex-convicts went to Yemen and “had disappeared and are suspected of having gone to Al-Qaeda training camps in ungoverned portions of the impoverished country.” “Al Qaeda in Yemen and Somalia: A Ticking Time Bomb.” United States Senate Foreign Relations Committee, (January 20, 2010). Available at:


German, Thinking Like A Terrorist, P. 14-15.


Ibid., P. 9.


Harris, “Law Enforcement and Intelligence Gathering in Muslim.”


Innes and Roberts, “Community Intelligence in the Policing of Community Safety,” P. 5

Scheider and Chapman, “Community Policing and Terrorism.”


Ibid., P. 6.


Ibid., P. 7-15.


188 Ibid.

189 Eack, “State and Local Fusion Centers,” P. 1; McCormack, “State and Local Law Enforcement.”

190 McCormack, “State and Local Law Enforcement.”

191 Ibid.


193 McCormack, “State and Local Law Enforcement.”


195 Ibid., P. 56.


197 McCormack, “State and Local Law Enforcement.”

198 Ibid.


200 Reynolds, “Homegrown Terror”


208 Ibid., P. 776-77.


212 Ibid., P. 318.

213 Ibid., P. 318-19.
214 Ibid., P. 284-85. For an in-depth qualitative case study, see: Thatcher, “Conflicting Values,” P. 786-87.


218 Ibid., P. 779-81.

219 Ibid., P. 785-90.


236 Ibid., P. 23, 25.

For an example of a standard MOU, see: “Joint Terrorism Task Force Memorandum of Understanding (MOU).” *Institute for Intergovernmental Research*, (N.d.). Available at: www.iir.com/GLOBAL/..., P. 2-5.


Ibid., P. 79.


Ibid., P. 2.

Ibid., P. 12.


McCormack, “State and Local Law Enforcement.”

Ibid.

Schneier, “Profile: ‘Hinky.’”


*Protecting Individual Privacy,* P. 82.

Ibid., P. 83-4.


Ibid., P. 13.


Ibid., P. 2.


For more about the Muslim Public Service Network, see: http://www.muslimpublicservice.org/index.php.


See the recommendations contained in: Murphy and Plotkin, Protecting Your Community from Terrorism, P. 12-13.


On “ethnic mapping” concerns, see: “Muslim Advocates Lawsuit Seeks FBI Surveillance Guidelines”.


Interview with Mohamed Elhibiary, President of the Texas-based Freedom and Justice Foundation and a civilian appointee of the Texas Intelligence Council.


Founded in 1988, MPAC is an American institution which informs and shapes public opinion and policy by serving as a trusted resource to decision makers in government, media and policy institutions. MPAC is also committed to developing leaders with the purpose of enhancing the political and civic participation of Muslim Americans.

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