POLICY BRIEF

THE WAY FORWARD ON COMBATING AL-QA'IDA-INSPIRED VIOLENT EXTREMISM IN THE UNITED STATES: SUGGESTIONS FOR THE NEXT ADMINISTRATION

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Events over the summer of 2012 have reinforced that violent extremism, hate crimes, and mass shootings by Americans continue to plague the United States. Since 9/11, individuals who have adopted a variety of ideologies, ranging from violent right-wing anti-government extremism to left-wing anarchism, have perpetrated violent crimes in the U.S. However, according to the government, extremism inspired by al-Qa'ida and its adherents and affiliates "represent the preeminent terrorist threat to our country."[1] Efforts to address this specific threat have therefore been the predominant focus for domestic security officials over the past decade.

Although this threat's true magnitude tends to be overstated (as discussed below), there have been a significant number of serious incidents in the recent past where individuals linked to or inspired by al-Qa'ida's ideology have attempted to cause large-scale violence inside the United States. Thus, whichever presidential candidate takes office next year, his administration will have to continue to focus on this threat by developing and implementing policies to address al-Qa'ida inspired violent extremism in the United States. This report identifies the key issues that the next administration will face in this area and recommends steps to develop an effective policy for combating violent extremism ("CVE").

A WORD ON TERMINOLOGY

Terms such as *radicalization*, *violent extremism*, and *terrorism* are often used interchangeably when, in fact, they have important differences. *Radicalization* means "the development of beliefs, feelings, and actions in support of any group or cause in conflict."[2] *Violent extremists* are those who materially "support or commit ideologically motivated violence to further political, social, or religious goals."[3] Advancing through the radicalization process may cause an individual to become a violent extremist. However, other results are possible. Individuals may radicalize in support of a nonviolent ideology or abandon the group or cause before choosing to engage in violence.[4] *Radicalization* is a socio-psychological process.[5] It is not a crime in the United States to radicalize in support of a cause; in fact, such thoughts and ideas are generally constitutionally protected. *Violent extremism*, however, does involve

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action and therefore is almost always illegal—whether the violent extremism consists of providing material support for violent activity, soliciting or planning violent activity, or actual violence.

The term *terrorism* has multiple meanings that are used in the law, scholarship, and public discourse. Many federal laws define terrorism, but these definitions are not uniform.[6] Scholars also have widely divergent views. Some limit terrorism to violence against civilians;[7] others claim it can only be perpetrated by non-state actors,[8] or is a form of clandestine warfare.[9] In public discourse, the term *terrorism* is so over-used that it is now more of a euphemism for violence committed by disfavored

persons without consideration of their motivation.[10] For the purpose of this report, *terrorism* refers to the illegal use of violence against civilians to advance a political purpose.

It is also important to point out that there are a variety of violent extremists living in this country, who span the full range of religions and ethnicities and act in furtherance of different ideologies.[11] Although this report focuses on only one element of this broader problem—al-Qai'da inspired violent extremism (an ideology to which some American Muslims, including converts, are vulnerable)—there is a compelling need to address all forms of extremism, regardless of the perpetrators' ideology.

THE NATURE OF THE THREAT

Any discussion of al-Qa'ida-inspired violent extremism should be preceded by a careful analysis of the magnitude of the threat. Widespread media coverage of all topics relating to terrorism in the post-9/11 era may have distorted the public's perceptions regarding the gravity of the threat arising from al-Qa'ida-inspired homegrown terrorism. The best way to assess this threat is to examine the number of al-Qa'ida-inspired offenses that have occurred and the amount of harm they have caused. Some terrorism analysts have argued that "it [is] misleading to use raw numbers on an issue like terrorism" because "[t]errorists are 'fringe elements of society' whose number never will equate to the damage they can cause."[12] Examining data, however, is the only way to compare the terrorist threat to other national security concerns and to determine the level of resources that should be invested to counteract it.

Two research projects on homegrown violent extremism have reached virtually identical results. A Triangle Center on Terrorism and Homeland Security study by Charles Kurzman identified 193 American Muslims who, from 9/11 until the end of 2011, committed violent terrorism-related offenses in the United States or joined a foreign terrorist organization.[13] Although this study did not identify the precise motivation of each perpetrator, the vast majority of them had some connection to an al-Qa'ida-related

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organization or espoused its ideology. These findings were confirmed by a New America Foundation study that listed 192 American citizens or residents convicted or charged on some form of what the authors identified as "jihadist terrorism" during the same period.[14] Both studies show that the number of episodes peaked in 2009 and dropped substantially by 2011.[15] Moreover, as Kurzman

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points out, law enforcement preempted the plots of 115 of the 193 perpetrators (71%) at an early stage.[16] Most of the other 78 individuals joined a foreign fighting force or plotted to attack outside the United States.[17]

To place this threat in some context, al-Qa'ida-inspired terrorism has caused 17 fatalities in the United States in the eleven years since 9/11,[18] in comparison to the approximately 180,000 murders that occurred during that same period.[18] Another point of comparison is the 22 fatalities that occurred in summer 2012 from the mass shootings in Colorado, Wisconsin, and Texas. Does this mean that al-Qa'ida-inspired terrorism is not a significant security threat? No. There are many reasons why terrorist activity is more destructive than other types of violent crime, and the 17 killings due to terrorism are, of course, tragic. Moreover, had each of the 193 perpetrators successfully engaged in violence, it would have constituted an unacceptable level of terrorism emanating from al-Qa'ida-inspired violent extremists. In particular, the Fort Hood shooting (2009), the attempted attack on the New York City subway system (2009), and the botched Times Square car bombing (2010) were all extremely serious incidents demonstrating the potential dangers emanating from homegrown terrorism. Cumulatively, however, the data and our experiences demonstrate that the threat is hardly catastrophic and, to date, is manageable. But this does not mean that it is

negligible or undeserving of special attention from law enforcement and other governmental authorities.

Moreover, research studies have demonstrated that there is no single profile of an al-Qa'ida-inspired homegrown violent extremist.[20] The perpetrators represent a diverse demographic profile—coming from a variety of ethnicities and races.[21] About one-third are converts to Islam. The only meaningful demographic trend is that they are almost all male and predominantly young (an average age of twenty-eight).[22] There is also no single pathway to radicalization—individuals may radicalize due to personal factors, association with groups, or large-scale political mobilization.[23] Radicalization is a complex process that is not amenable to simple, one-size-fits-all solutions.

TWO APPROACHES TO COMBATING VIOLENT EXTREMISM

The strategies adopted by New York City and Los Angeles for combating violent extremism (CVE) represent two different approaches for dealing with this challenge.

An influential report issued by the New York City Police Department (NYPD) in 2007—"Radicalization in the West: The Homegrown Threat"—set the framework for the city's approach to CVE.[24] The report posited that vulnerable young Muslims may enter a four-stage radicalization process ending in what the authors (regrettably) labeled a "jihadization" phase in which they attempt to engage in violent activity. The report warned that "[t]he subtle and non-criminal nature of the behaviors involved in the process of radicalization makes it difficult to identify or even monitor from a law enforcement standpoint."[25] Consequently, the report concludes, "the need to identify those entering this process at its earliest possible stage makes intelligence the critical tool in helping to thwart an attack."[26]

Aggressive intelligence collection has been the hallmark of the NYPD approach. These efforts have gone beyond the traditional law enforcement tactics of following leads to identify suspects and preempt criminal activity.

Rather, the NYPD's surveillance-based approach relies on compiling information on non-criminal activity in an effort to find evidence of radicalization and precursors to terrorist activity. To generate this type of information, the NYPD has made a massive investment in its intelligence infrastructure—reportedly $62 million per year.[27] In addition, as reported in a series of Associated Press articles, these intelligence collection efforts have included creating a Demographic Unit to engage in widespread undercover surveillance of Muslim organizations and communities without a criminal predicate, both within and outside of New York City.[28]

NYPD Commissioner Ray Kelly has defended these efforts, arguing that "[w]e are doing everything we reasonably can under the law to protect the city,"[29] and FBI Director Robert Mueller has praised him for doing a "remarkable job."[30] Yet a top FBI official in New Jersey said that such tactics have damaged Muslims' trust in law enforcement and "hinder[ed] our ability to have our finger on the pulse of what's going on...mak[ing] the job of the Joint Terrorism Task Force much, much harder."[31] Recently, the commanding officer of the NYPD Intelligence Division testified in a civil case that the eavesdropping on public conversations, cataloguing of mosques, and other blanket surveillance efforts had generated no leads and reports from these efforts "has not commenced in an investigation."[32]

The Los Angeles Police Department (LAPD) also recognized the value of intelligence in combating terrorism, but approached it by "converging community policing and counterterrorism strategies."[33] It decided that the best way to gather actionable intelligence about individuals who may be potential terrorist threats was to develop strong relationships with American Muslim communities and encourage its members to report individuals who were behaving suspiciously. To implement this approach, LAPD created citizen terrorism liaison officers to increase the reporting of useful data, started a forum for exchanges between the Muslim community and the police chief, opened channels of communication between the police and the community, and set up a suspicious activity reporting process.

The LAPD credited this strategy with multiple successful counterterrorism prosecutions. Sheriff Lee Baca of Los Angeles County has also endorsed the partnership approach, setting up a Muslim Community Affairs unit responsible for promoting cooperation between law enforcement and the community, enhancing cultural competency among law enforcement officers, and working with young Muslim leaders.[34] He also established a Muslim American Homeland Security Congress to enhance the community's ability to contribute to counterterrorism initiatives. When reports emerged in 2007 about an LAPD plan to map Muslim neighborhoods to look for pockets of radicalization, it was quickly scrapped by then-chief William Bratton who said, "[a] lot of these people came from countries where the police were the terrorists... [w]e do not want to spread fear."[35]

CVE UNDER THE OBAMA ADMINISTRATION

The Obama administration has combined elements of both approaches. It has continued support for what FBI Director Robert Mueller has labeled a "transformation" of the FBI into a "threat based, intelligence-led agency."[36] These efforts include the aggressive use of electronic surveillance and the use of informants to gather evidence to support arrests and prosecutions.[37] Yet, the Obama administration has also continued and expanded efforts initiated during the Bush administration to engage with American Muslim communities through outreach programs in the FBI, the U.S. Attorneys Offices, and the Department of Homeland Security.

Although federal law enforcement agencies continue to pursue terrorism cases aggressively, in 2011 the White House issued a national strategy for CVE that placed greater emphasis on the community engagement approach: "Countering radicalization to violence is frequently best achieved by engaging and empowering

individuals and groups at the local level to build resilience against violent extremism."[38] The administration pledges to "support and expand community-oriented policing efforts by our state, local, and tribal partners and to assist them in enhancing cultural proficiency and other foundations for effective community engagement."[39] Promoting community law enforcement interaction is critically important, the administration argues, because "community-based problem solving, local partnerships, and community-oriented policing provides a basis for addressing violent extremism as part of a broader mandate of community safety."[40]

Later that year, the administration issued an implementation plan that assigned multiple agencies to take specific steps to support engagement efforts, improve training and develop expertise in CVE, and counter violent propaganda.[41] Yet little is known about how many law enforcement agencies have adopted this strategy, the communities' reaction, and the programs' effectiveness. Indeed, the Department of Justice recently noted that "[s]tudies have only scratched the surface when it comes to assessing the impact of specific intervention strategies on the radicalization process."[42]

HOW WOULD A ROMNEY ADMINISTRATION ADDRESS THE ISSUE?

Governor Romney has not spoken recently about the problem of al-Qa'ida-inspired violent extremism, but he has expressed support for aspects of both models. In a 2005 speech on homeland security, he called for "monitoring people who come here from foreign countries" that sponsor terrorism. "Do we know where they are?" he asked. "Are we tracking them? How about people who are in settings—mosques for instance—that may be teaching doctrines of hate and terror? Are we monitoring that? Are we wiretapping?"[43] In the same speech, Romney rejected the concept that states and localities should build their own terrorism intelligence

units as New York City has done, arguing that this was the job of the FBI. But he expressed support for the creation of fusion centers, where information gathered by multiple agencies at the federal, state, and local levels is shared and analyzed to identify trends and attempt to uncover terrorist plots. State fusion centers were created during the Bush administration and continue to play an important role in counterterrorism efforts in the Obama administration.[44] A recent congressional study, however, cast doubt on the effectiveness of these centers.[45]

A campaign white paper issued in 2011 reiterates Romney's support for intelligence sharing between federal agencies and different levels of government, as well as multi-agency analytic units as a key means for combating violent extremism.[46] However, he also stated that he would "bolster partnerships with Muslim-American communities, build trust in the spirit of 'community policing,' work with community leaders to identify threats and suspicious activity, develop our database of knowledge about the hallmarks of radicalization and recruitment, and train local and state authorities to understand those hallmarks and act upon them."[47]

RECOMMENDATIONS

No matter who wins the presidential election, the next administration will want to build on and improve current CVE efforts. The great challenge, however, is to build trust between American Muslim communities and law enforcement in an environment where intelligence collection and the use of informants, which often erode public confidence, are likely to continue. Some experts have argued that these are two separate missions: "counterterrorism" is the aggressive pursuit of terrorism cases, and "counter-radicalization" represents efforts to empower communities to resist violent extremism.[48]

But a dichotomous approach is guaranteed to fail. As we have seen many times in the past decade, law enforcement efforts that rely on sweeping intelligence collection targeted at law-abiding American Muslim

communities erode the trust and confidence that are essential for the community-engagement model to succeed.[49] Thus, it is essential to integrate effective, lawful, intelligence-driven counterterrorism with a community engagement approach that empowers American Muslims as trusted partners and builds capacity at the community level to counteract extremist ideologies. While promising efforts have been initiated, and the new national CVE strategy is an important step in the right direction, a fully coordinated strategy that integrates the strands of CVE that are in tension has yet to be developed or

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implemented. This will have to be accomplished in an era of diminishing resources at the federal and local level. To achieve these goals, the next Administration should consider the following steps:

Building Trust in American Muslim Communities

Trust is the key commodity in the CVE enterprise. Years of effort can sometimes be undone by one mistake, a stray comment, or an overly aggressive use of legal authorities. Yet it is clear that American Muslims are eager and worthy partners. As documented in an Institute for Social Policy and Understanding study, despite increased discrimination and the growth of anti-Islamic attitudes in the United States, American Muslims continue to seek integration into mainstream society and are increasing their participation in politics and civic institutions.[50]

This strong foundation can grow into a genuine trusted partnership with the appropriate policies and initiatives:

Apply community policing to CVE more broadly

Although research findings are sparse, case studies have demonstrated that some major cities have successfully applied community policing techniques to CVE.[51] In the community policing model, American Muslim communities and law enforcement officials work together to address the full range of public safety challenges, including, but not limited to CVE. Community policing should be applied more broadly to CVE, especially in metropolitan areas with large American Muslim populations. The federal government can assist this process by building CVE requirements into the Community Oriented Policing Services (COPS) grant program; developing (and funding) a COPS/CVE training program for local law enforcement and community members; and creating a center to collect best practices, distribute lessons learned, and assess effectiveness.

End blanket surveillance programs

To gain the community's trust, law enforcement agencies must refrain from conducting blanket surveillance of Muslim communities and organizations without establishing at least some evidentiary threshold of individual suspicion or wrongdoing. Even if these programs rely on open-source information or agents collecting information in public spaces, they target communities based on their religious practices, chill free speech, and erode public confidence in the police. Furthermore, such surveillance pushes the community's internal discussion of these issues underground. A far better approach is to allow an open dialogue so that mainstream voices can refute and discredit the legitimacy of the extremist ideology.

Consequently, it is unlikely that the beneficial information gained from blanket surveillance programs can justify their substantial costs. In fact, recent testimony by an NYPD commander conceded that efforts to collect intelligence on a variety of Muslim communities in the

New York metropolitan area did not create a single lead or result in the opening of a single criminal investigation, let alone a successful prosecution.[32]

Regulate the use of informants, especially in religious settings

Inserting informants into religious settings also raises suspicion and damages public trust. Law enforcement should not be required to abandon this tactic, but it should be used sparingly and in accordance with published policies. These policies should require approval at the highest levels of a law enforcement agency and rigorous oversight by an appropriate independent authority. Law enforcement agencies should conduct open forums with community members to explain why it is sometimes necessary to use informants and the protections put in place to ensure that extraneous information on innocent people is not collected and stored.

Develop alternatives to criminal prosecution

American Muslim communities are more likely to provide information to law enforcement about individuals who are radicalizing and may present a threat if there are alternatives to surveillance, arrest, and prosecution. We need to develop a set of non-prosecutorial alternative programs to handle individuals who are potential threats but have not engaged in criminal activity. These could range from community supervision to some form of voluntary de-radicalization education programming. Such alternatives, which could be run through social services rather than law enforcement agencies, should also be equipped to address other issues that may be contributing to the individual's vulnerability to violent extremism.

Highlight contributions of American Muslims to civic life

Since American Muslims seek enhanced integration into American society, public recognition of their positive contributions can help to increase trust between these communities and governmental institutions. Iftar dinners

at the White House and other federal agencies; public recognition of American Muslims serving in the military, as first responders, or in government positions; and appearances by political and community leaders at Muslim holidays and festivals are all important trust-building activities that demonstrate the patriotism of American Muslims. The bipartisan denouncement of Rep. Michelle Bachmann's (R-MN) attack on Secretary of State Hillary Clinton's Muslim aide Huma Abedin was also a welcome step (although Bachmann's McCarthyite attack was not).[33] Efforts should be made throughout society to highlight positive contributions of American Muslims to daily American life, not only because they are merited, but because they also help build societal trust.

Enhance Community Support for Law Enforcement CVE Efforts

American Muslim leaders should publicly support positive law enforcement CVE activities

For CVE to work, it must be more than a one-way community relations exercise. American Muslim communities must be true partners in this endeavor so that they can benefit from law enforcement focus on issues of concern like public safety, hate crimes, and discrimination. But it is also important for American Muslim leaders to sacrifice for the sake of CVE goals. Exercising leadership means not only voicing community concerns, but also taking steps to increase the public's confidence in law enforcement and effective CVE tactics. To do this, leaders need to learn about intelligence-based policing, explain law enforcement actions to their constituents, publicly support law enforcement's activities when appropriate, and publicly acknowledge when the partnership has provided important benefits to the community. Such leadership will sometimes require taking unpopular positions and convincing community members that law enforcement actions that can be easily characterized as devious are, in reality, important to public safety and in the community's long-term interest. Developing the capacity

for leaders to play this role is an important component of CVE. In fact, training community leaders about the purpose and methods of CVE must be the first step for implementing this strategy.

Train communities about intelligence-driven policing
Paring back on blanket surveillance and other tactics that violate American Muslims' civil liberties does not mean that law enforcement agencies need to abandon intelligence-driven policing. But this concept needs to be better explained to communities, and community leaders should be trained about the differences between the collection and analysis of intelligence and the more familiar process of police investigations based on probable cause of criminal wrongdoing. If properly trained, communities should understand that law enforcement ought to be able to follow up on reports of suspicious behavior and possible precursors of terrorist activity—even if they do not satisfy the probable cause standard necessary to obtain a criminal search warrant.

The demand by some organizations that law enforcement may not engage in targeted intelligence collection or even file a suspicious activity report in the absence of a causal nexus to criminal activity by a specific individual is unreasonable and could undermine a successful record of law enforcement in preempting terrorist activity over the past decade.[54] Handcuffing law enforcement's intelligence-gathering efforts in this manner would mark a return to the pre-9/11 reactive posture law enforcement often took toward counterterrorism. A middle ground must be found between blanket surveillance of the innocent and reactive policing limited to investigation of crimes that have already been perpetrated. The practice of intelligence-based policing must be defined through clear, transparent rules that are rigorously enforced to protect civil liberties.

These issues will always be a source of tension between the community and law enforcement. But a key goal for a healthy CVE program should be the ability to discuss these issues openly and develop mutually acceptable

solutions in a climate of cooperation rather than one of suspicion and distrust.

The negotiated settlement between civil liberties and community groups and the LAPD on use of suspicious activity reports is an important case study on this point. Strong relations between the community and law enforcement resulted in a public dialogue and resolution. But it remains unclear whether a genuine resolution was reached or if differences were only papered over. The Muslim Public Affairs Council stated that the reforms were "a victory for partnerships between communities and law enforcement nationwide," but LAPD Deputy Police Chief Mike Downing said "there is no real substantive change."[55] Press reports indicate that the community demanded, and the LAPD agreed, to limit police reporting and collection of data on speech and other legal behaviors unless they were "reasonably indicative of pre-operational planning related to terrorism or other criminal activity."[56] Such a limitation would amount to restricting intelligence-based policing, which is based on the principle that "[l]ocal police serve as the eyes and ears of communities...they are best positioned to observe behaviors that have a nexus to terrorism."[57]

Develop Accountability for CVE at the Federal Level
The Obama administration's CVE implementation plan assigns sixty-two different tasks to six cabinet agencies and seven other sub-cabinet organizations.[58] In the absence of a lead agency and budget for this initiative, it will be difficult to assess progress and ensure accountability. The next administration should consider assigning a lead agency, which most naturally would be the Department of Homeland Security. If the multi-agency nature of the endeavor requires that it be led through the National Security Staff, as it is now, an annual progress report should assess each agency's progress on implementing its assigned tasks. Also, in this era of restrained resources, agencies will find it hard to implement CVE without a specific budget—

just absorbing costs "out of hide" is not realistic for a program of this importance and magnitude. The new administration should identify in its first budget where the relevant resources to implement specific CVE tasks will come from and, if new resources are not available, how program budgets will be modified to take account of new CVE responsibilities.

Maintain the Appropriate Federal and Local Roles

The CVE strategy recognizes that responsibility for this task falls mainly on local law enforcement agencies and communities. The federal role should remain one of setting goals and encouraging action through leadership and, where appropriate, funding. Existing programs that provide support to law enforcement through the Department of Justice, the Department of Homeland Security, and the Federal Emergency Management Agency should be adjusted to ensure that agencies in major metropolitan areas with significant Muslim populations are using some of their federal dollars to improve their CVE capabilities. The federal government should also fund the development

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Ultimately, however, it will be up to leaders of law enforcement agencies and American Muslim communities to build their relationships and tailor their programs to meet their local needs.

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of on-line training programs, a best-practices center, and evaluation research. Finally, the federal government can use its convening authority to build support for CVE among governors, mayors, police chiefs, and sheriffs.

Ultimately, however, it will be up to leaders of law enforcement agencies and American Muslim communities to build their relationships and tailor their programs to meet their local needs. Even in this time of budget shortfalls and a waning public focus on terrorism, the desire to

prevent another al-Qa'ida-inspired attack should be a sufficient incentive for both law enforcement agencies and American Muslims to dedicate the time, effort, and resources necessary to build an effective CVE program to protect national security, public safety, and the full range of constitutional freedoms.

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18 Bergen, supra Kurzman's database includes Sulejman Talovic, a Muslim U S resident who killed five people in a Salt Lake City parking lot shooting, and John Allen Muhammad, the so-called D.C. sniper, an African-American convert to Is-lam, who murdered 11 people.

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