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Committee on Foreign Relations
Counterterrorism Policies and Priorities: Addressing the Evolving Threat
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Overview

Chairman Menendez, Ranking Member Corker, and Members of the Committee, thank you for inviting me to testify on my perspectives on the evolving threat of terrorism and how it can be best addressed by the U.S. and our allies. I believe now is an opportune time to take stock of the threat we face and our associated response. While we have made remarkable strides against the threat of catastrophic attacks like that which we experienced on 9/11, the continued presence of al Qa'ida in Yemen, the growing presence of al Qa'ida-associated elements in North Africa and Syria, and increased instability across North Africa and the Middle East highlight how the threat of terrorism continues. Combined with a fiscal reality that precludes the sort of spending we have maintained since 2001, this is a historic moment to rationalize and calibrate our response to terrorism and related threats to our national security.

The Threat Landscape

Today al-Qa'ida and its allies in Pakistan are at their weakest point since 9/11. The death of Usama bin Ladin and the continued decimation of senior ranks has made the organization a shadow of its former self. Ayman al Zawahiri is not bin Ladin and although the organization still attempts to provide strategic guidance and global propaganda, its influence continues to wane. Whether this trajectory can be maintained with a significant decrease of the U.S. presence in Afghanistan and a continued challenging political landscape in Pakistan will be, in my view, the biggest determinants of al Qa'ida Core's relevance for the coming decade.

The degradation of al Qa'ida's "higher headquarters" and relatively well-coordinated command and control has allowed its affiliates and its message to splinter, posing new dangers and challenges. Al Qa'ida affiliates or those inspired by its message have worrisome presences in Yemen, East Africa, North Africa, Syria, Western Europe, and of course to a lesser degree the United States.

Beginning with Yemen, in my view al Qa'ida in the Arabian Peninsula (AQAP)—as I stated two years ago—continues to pose the most sophisticated and deadly threat to the U.S. Homeland from an overseas affiliate. The death of operational commander Anwar al-Aulaqi significantly reduced AQAP's ability to attract and motivate English speakers, but its operational efforts continue with lesser abatement. As we saw in

2009, 2010, and 2012, AQAP has remained committed—and able—to pursue complex attacks involving innovative improvised explosives devices. Although some of the organization's safe haven has been diminished because of Yemeni and U.S. efforts, the inability of the Government of Yemen to bring true control to wide swaths of the country suggests that the group will pose a threat for the foreseeable future and (unlike many other affiliates) it clearly remains focused on transnational attacks.

East Africa, surprisingly to many, is a brighter spot in our efforts. Although al-Shabaab remains a force and poses significant risks in the region—most especially in Kenya and to the fledgling government in Somalia—its risk to the Homeland is markedly less today than just two years ago. Kenya's offensive in the region shattered much of al Shabaab's power base and most importantly the attractiveness of Somalia to Americans and other Westerners is radically less than was the case. The relative flood of Americans has turned into a trickle, thus significantly reducing the threat of trained terrorists returning to our shores. Maintaining this positive momentum will require continued U.S. attention and close cooperation with the African Union in Somalia (AMISOM) to nurture what clearly remains a fragile recovery.

As the world witnessed over the past six months, al Qa'ida in the Islamic Maghreb (AQIM) has shifted the focus in Africa as the organization has made gains in Mali, Libya, and the rural areas of Algeria. To be clear, to those of us in the counterterrorism ranks this is not particularly surprising. In my view while the attacks in Benghazi and on the Algerian oil facility are tragic, the major change to the region is not a massive increase in AQIM's attractiveness, but rather the huge shift that occurred with the virtual elimination of Libya's security services, the associated flood of weapons in the region, and the coup d'état in Mali.

AQIM has thus far proven a less tactically proficient and more regionally focused criminal organization than other al Qa'ida affiliates. Although we cannot blindly hope this remains the case, I would argue that we should also not read too much into recent events. Regional capacity building, targeted offensive measures, and forceful engagement with government like France, Algeria, and Libya that have a huge vested interest in the region should remain at the forefront of our strategy. And we must roundly condemn (and try to limit) the payment of ransoms that have proven to be the lifeblood of AQIM and its affiliates.

One notable area of concern that we must forcefully combat in the region—and one which the U.S. is uniquely able to address given our global footprint—is the cross-fertilization across the African continent that has recently accelerated. Coordination amongst al Shabaab, AQIM, Boko Haram, and others is particularly problematic as it allows each organization to leverage the others' strengths. We must use our intelligence capabilities to define these networks and then assist in disrupting them.

The most troubling of emerging fronts in my view is Syria, where Jabhat al-Nusra has emerged as the most radical of groups within the opposition. Given the enormous

instability in Syria, which has to some degree already spread to Iraq and elsewhere in the Levant, Jabhat al-Nusra has become a magnet for al Qa'ida-inspired fighters from around the globe. With virtually no likelihood of rapid improvements in Syria (and a not insignificant risk of rapid decline caused by the use chemical or biological weapons), the al-Nusra front will almost certainly continue to arm, obtain real world combat experience, and attract additional recruits—and potentially state assistance that is flowing to the FSA.

Moreover, Jabhat al-Nusra's ideology not only contributes to the threat of terrorism, but more broadly it is contributing significantly to the regional Sunni-Shia tension that poses enormous risks. The rapid removal of Bashar al-Assad would not solve these problems, but an ongoing civil war does in my view worsen the situation. Although there is no easy answer to this devilish issue, I believe that with the U.K.'s recent movement to providing lethal assistance to the FSA, we too should move more forcefully with additional aid and the creating of safe havens in border areas.

Without declaring victory, we should also have some optimism about al-Qa'ida inspired terrorism in Western Europe and especially the Homeland. As recent studies have shown, there has been a continuing decline in numbers of significant homeland plots that have not been closely controlled by the FBI since 2009. In addition, the relative sophistication of Homeland terrorists has not increased. Combined with successful counterterrorism efforts in Western Europe—most particularly huge strides in the UK—the picture faced today is far brighter than just three years ago.

Similar optimism cannot be applied to the threat posed by Lebanese Hizballah, especially given its successful and foiled attacks over the past two years. Most notably, Hizballah attack in Bulgaria killed six tourists and highlights the extent to which the group (and its patrons in Iran) continue to see themselves as being in an ongoing unconventional war with Israel and the U.S. Predicting Hizballah and Iranian "redlines" is a notoriously challenging endeavor—as illustrated by the surprising 2011 plot to kill the Saudi Ambassador to the U.S.—but both organizations almost certainly would launch attacks at least outside the U.S. were there a strike on Iranian nuclear facilities.

There is little doubt that both Hizballah and the IRGC Qods Force maintain a network of operatives that could be used for such strikes. In this regard the heavy Iranian presence in Latin America and Iranian cooperation with former Venezuelan President Hugo Chavez is of particular concern. Although not every Hizballah member and Iranian diplomat is a trained operative, a significant number could in the case of hostilities enable other operatives to launch attacks against Israeli or U.S. diplomatic facilities, Jewish cultural institutions, or high profile individuals.

In addition, and generally unlike al Qa'ida affiliates, the specter of Hizballah or Iranian-sponsored cyber attacks is disturbingly real. Recent Distributed Denial of Service (DDOS) attacks on major U.S. financial institutions, as well as even more destructive Iranian-sponsored attacks on Saudi Aramco and Qatar-based RasGas,

have highlighted the extent to which physical attacks might be combined with cyber attacks.

Looking Ahead

This threat picture, although complex and dynamic, is in many ways more heartening than that which we faced from 2001 until at least 2010. Numerous organizations continue to threaten terrorist attacks, but as a very general matter the threats are away from the Homeland and the scale of the attacks is markedly less than what we saw in September 2001 or even 2006, when al Qa'ida came dangerously close to attacking up to ten transatlantic airliners. It is not that events like Benghazi are not tragic. But threats to U.S. diplomatic facilities in Libya are of a radically different type than planes flying into civilian facilities in New York and Washington. In this regard, this is an appropriate juncture to look at a few of our biggest risks and challenges.

Terrorism Fatigue. After ten-plus years of near constant public discussion of terrorism—in our politics, the media, and through public messaging—many have simply had enough. This is not all bad as an unhealthy obsession with the threat of terrorism at the expense of countless other societal woes, such as cyber threats and Iranian nuclear ambitions, would in many ways hand our enemy a victory. On the other hand, there is real value in public discussion of terrorism: it can build resilience in the population and it can lead to the tackling of tough public policy questions like targeted killings and domestic intelligence. With terrorism fatigue we run a real risk of not addressing these issues in a way that provides a lasting counterterrorism framework. In this regard I actually see the current discussion around the use of drones and the potential for updating the 2001 Authorization for the Use of Military Force as quite heartening signs.

Terrorism fatigue poses at least two additional challenges. First, with all of our counterterrorism success such victories have become expected and any failure—no matter how small—can result in political finger pointing and excoriation of our counterterrorism professionals. In effect we have become victims of our own success and unlike in 2001, perfection has become a political expectation. Although we should continuously examine how we can improve our capabilities, we must guard against *ex poste* investigations that lack a serious appreciation for the *ex ante* difficulties of counterterrorism.

Second, terrorism fatigue can cause dangerous lethargy within the Executive Branch on issues that do not appear to require immediate attention but which can do longer term damage to counterterrorism efforts. I have repeatedly seen urgency morph into bureaucratic sluggishness as time passes since the last attack on issues like information sharing and interagency cooperation. Whether it is countering violent extremism programs or information access for the intelligence community, we must not take our foot off the gas pedal.

Weapons of Mass Destruction. There is no doubt that smallish terrorist attacks or at least attempts will continue to occur at home and abroad. Such attacks can cause enormous pain and suffering to victims and their families, but they are clearly of a scale—at least with respect to absolute numbers killed—that is dwarfed by other societal ills such as routine criminal activity. The same cannot be said of terrorists' use of weapons of mass destruction—and more specifically biological weapons or an improvised nuclear device (IND).

Although we have also made progress in reducing the likelihood of terrorists obtaining WMD, for the foreseeable future we are faced with the possibility that a terrorist organization will successfully acquire these weapons. In this case, technology is not yet our friend as the ease with which these weapons can be obtained and hidden continues to exceed our ability to detect them.

Weapons of mass destruction pose a unique challenge as they are the prototypical low likelihood, high consequence event and thus determining the proper allocation of resources to combat them is particular contentious. That being said, we must continue to protect against the most dangerous of materials (*e.g.*, HEU) being obtained by terrorists, secure weapons in the most dangerous places (*e.g.*, Pakistan and increasingly Syria), and pursue research and development that will assist in detecting chemical and biological weapons in places where they would do the most harm.

Counterterrorism Partnerships. Counterterrorism has always been and continues to be a "team sport." Although the U.S. can do much alone, we have always been incredibly reliant on a vast network of friendly nations that have extended massively our intelligence, law enforcement, military, and homeland security reach. Even before the Arab Awakening we witnessed some weakening of these partnerships. Whether it was fatigue on our partners' part, their own resource challenges, or differing views on the proper scope of counterterrorist efforts (*e.g.*, fights over data sharing between the U.S. and the European Union), these partnerships have been under some pressure. Post-Arab Awakening we face an exponentially more daunting task, having lost some of our most valuable partners—and key security services even where political leadership remains supportive—in the very places we need them most.

Again, part of the challenge is that we have been a victim of our own success. Al Qa'ida is simply not viewed as the same existential threat that it was in 2001. But without robust partnerships it will be increasingly difficult for us to detect and disrupt rising al Qa'ida (or other groups') cells, thus making it more likely that they will metastasize and embed themselves in ways that makes them more dangerous and more difficult to displace.

To maintain our partnerships we must carefully preserve funding for programs that provide critical capabilities—and potentially more important, a positive US presence—for our allies. The increase in funding for special operations forces is a

good step, but relatively tiny investments in Department of State and Justice programs can also deliver real results in this realm. In addition, we will have to approach new governments in the Middle East with sophistication and ensure they continue to view terrorism as a mutual threat.

Staying on the Offense—on all Fronts. Over the past month an enormous amount has been said about targeted killings, especially of U.S. persons. In my view, having served under both Presidents George W. Bush and Obama, such targeted killings are a vital tool in the counterterrorism toolbox. And regrettably, in some cases that tool must also be used against U.S. persons like Anwar al-Aulaqi who was a senior al-Qa'ida operational commander who was continuing to plot attacks against the U.S.

From my perspective, the memorandum and Administration practice (contrary to claims by some) appropriately constrains the President's authority, has provided significant Congressional oversight and the opportunity to limit the program, and provides realistic standards given the inherent challenges of intelligence and counterterrorism.

As I have previously implied, however, I am equally supportive of the current public debate on the issue. In fact, I believe brining greater visibility to some programs could be useful not only to build U.S. support, but also to build greater international understanding if not support—a key element in our ideological efforts. Moreover, I would suggest that the current debate highlights the need to examine seriously the 2001 Authorization for the Use of Military Force (AUMF). During my tenure at the National Counterterrorism Center the AUMF provided adequate authority for the use of force, but it was not always a simple or straightforward application. With the continued evolution of the terror threat and most notably its increasing distance from the 9/11 attacks and core al Qa'ida, I believe it is the time to re-evaluate the AUMF to better fit today's threat landscape.

As supportive as I am of targeted killings in appropriate circumstances, I am equally (if not more) supportive of ensuring that these are not our only counterterrorism tools employed. I do believe that our reliance on kinetic strikes has in some cases allowed other efforts to atrophy or at least pale in comparison. This is enormously dangerous, as we cannot strike everywhere nor can we lethally target an ideology. As we increase targeted killings we must double down on our soft power and ideological efforts—building capacity in civilian security forces, increasing the rule of law to diminish under-governed or ungoverned safe havens, and the like—lest we win a few battles and lose a global war. This Committee must stand at the very center of these efforts, as I fear in the current fiscal climate that the programs that support our ideological efforts will be given short shrift.

Resources. Finally, and not entirely inappropriately, counterterrorism resources will undoubtedly decline significantly in the coming years. It is difficult to estimate accurately how much has been spent on counterterrorism over the past eleven years, but the amount certainly comes close if not exceeds $100 billion a year. Some of this

was undoubtedly well spent, but it is folly to think that inefficiencies and redundancies do not exist widely. In this sense, a bit of frugality is likely a very good thing.

The question, however, is whether we will be willing or able to make smart reductions to preserve critical capabilities. Our historic ability to direct funds where the threat is greatest—as opposed to where the political forces are strongest—have not been good. Perhaps the declining threat will mean that we can continue to spend imperfectly, but this is surely a dangerous bet to make.

We should use this imposed frugality to do serious mission-based—as opposed to Department and Agency-specific based—budgeting in the federal government. This approach will require enormous changes within the Executive and Congressional branches, but looking across the counterterrorism budget, identifying the critical capabilities we must preserve, and then figuring out how that matches Department-specific budgets can be done. And if we are serious about maintaining these capabilities we have little choice.

Conclusion

More than a decade after 9/11, combatting terrorism isn't over. No one should be surprised by this fact. Nor should anyone be surprised that we are fighting in different places and, although some approaches are the same as they were in 2001, many of our tools must evolve with the evolving threat. Moreover, having the benefit of almost twelve years of national effort we are in a better place today to balance our counterterrorism efforts with other significant threats to our national security, most notably state-sponsored cyber intrusions, theft, and attacks, and broad instability across much of North Africa and the Middle East.

Thank you for inviting me to testify, and for this Committee's leadership on these critical issues. I look forward to working with this Committee to ensure that we as a nation are protecting our citizens, our allies, and our interests from the scourge of terrorism.