

# **THE NIXON CENTER**

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## **Bearers of Global Jihad? Immigration and National Security after 9/11**

**By Robert S. Leiken**

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Bearers of Global Jihad? Immigration and National Security after 9/11  
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Cover: Passport photo of Mohammed Atta, ringleader of the September 11<sup>th</sup> hijackers.  
Cover Design by Steven Brooke

## Introductory Note

This Nixon Center monograph, *Bearers of Global Jihad: Immigration and National Security after 9/11*, is a groundbreaking assessment of the relationship between immigration and terrorism. The terrorist attacks of September 11th 2001 exposed stunning weaknesses in our national security and immigration systems. Yet these were not only governmental flaws. The attacks demonstrated an intellectual failure to understand the nexus between immigration and national security. This study takes a major conceptual step towards bringing the fields into fruitful relationship, producing policy relevant and pragmatic solutions built on a thoughtful assessment of the terrorist threat. Moreover it provides a historical analysis of the development of jihad, its modes of operation and its use of support networks in the United States.

The study is about immigration and security in the West. Its juxtaposition of American and European experiences with immigration and terrorism makes a powerful argument for Atlantic cooperation. As Leiken argues, European terrorist networks have regenerated, finding traction among European Muslim immigrants. This report is wise in cautioning policymakers on both sides of the Atlantic to reappraise the policy that allows terrorists to enter the United States without so much as an interview by American authorities.

In the coming months Geoffrey Kemp will publish a monograph on transatlantic differences towards the Arab-Israeli conflict. Dr. Kemp will also produce an edited volume on Iran's nuclear ambitions.

Dimitri Simes  
President  
The Nixon Center

I especially want to thank Steven Brooke for assistance way beyond the call of duty. In the process Steven has become a veritable authority in the field and supported this project in innumerable ways: collecting outré materials, tracking down interview subjects, editorial assistance, the basic research for the matrix, brain-storming tough issues, actually first-drafting certain passages, delegating tasks to interns and generally keeping this ship on keel through unchartered waters.

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Robert S. Leiken  
Washington, DC  
March 2004

## Contents\*

<b>Introduction</b>	<b>6</b>
<b>I. The Convergence of Immigration and National Security</b>	<b>14</b>
<b>II. The Entanglement of Immigration with Global Jihadism</b>	<b>22</b>
<b>III. Islamism and Jihadism</b>	<b>29</b>
<b>IV. Islamic Networks: Fronts for Jihad?</b>	<b>47</b>
<b>V. Modes of attack: Hit Squads and Sleeper Cells</b>	<b>58</b>
<b>VI. Jihad and Immigration in Western Europe</b>	<b>71</b>
<b>VII. Post 9/11 Measures and Revived Dangers in Western Europe</b>	<b>91</b>
<b>VIII. Policy Issues and Conclusions</b>	<b>115</b>
<b>Appendix A. Figures in the Carpet</b>	<b>144</b>

Numbered appendices are available online at [www.nixoncenter.org](http://www.nixoncenter.org)

\*Please note that the page numbers in this .pdf version do not correspond to the page numbers in the published version.

## **Introduction**

*This study examines the connection between immigration and national security in the wake of the events of September 11, 2001. The following attempts to summarize the main conclusions and indicate where they can be found and followed in the text.*

### **The linkage between terrorism and immigration post-9/11**

Immigration and terrorism are linked; not because all immigrants are terrorists but because all, or nearly all, terrorists in the West have been immigrants (we define immigration in its broad usage as signifying visitors and sojourners as well as settlers- see chapter I). In Western countries jihadism has taken root mainly thanks to Muslim immigration. As Rohan Gunaratna, a leading international authority on al Qaeda, told us: “All major terrorist attacks conducted in the last decade in North America and Western Europe, with the exception of Oklahoma City, have utilized migrants” (see chapter I).

The events of September 11 served notice how obsolete the Cold War delimitation of a zone of stability (North America and Western Europe) and an “arc of conflict” (from North Africa to South Asia) had become. The conflicts of the Third World have come home to roost in a way unparalleled in previous periods of colonialism and cold war, of nationalism and communism. Western governments now must take into account the export of violence via migration. Al Qaeda and its affiliates depend on immigration to gain entry to the West in order to carry out terrorist plots. The transnational and asymmetric character of these new conflicts demands coordination of national and homeland security with immigration and foreign policies.

### **Al Qaeda’s immigration strategy**

Whereas the West tends to view immigration from an economic standpoint, al Qaeda inc. sees it from a strategic perspective. By al Qaeda inc. we mean groups affiliated with or inspired by al Qaeda (see chapter III). Our survey of 212 suspected and convicted terrorists implicated in North America and Western Europe since the first World Trade Center bombing in 1993 through December 2003 found that 86% were Muslim immigrants, the remainder being mainly converts (8%) and African American Muslims. Analysis of that survey shows that al Qaeda inc. utilizes every immigration category to infiltrate Western countries and the U.S. in particular. Visitor's visas, asylum claims, family reunification, and green cards head our list of 212 suspected or convicted terrorists. Those entering with fraudulent documents are next in line. Terrorists stealing across the Mexican border come last, virtually nil. The Canadian border is more

expedient for jihadis thanks to Islamic support networks fostered by indulgent Canadian asylum policies. And terrorists like the shoe bomber Richard Reid and Zacarias Moussaoui came from “visa waiver” countries (countries which do not require a visa for travel to the U.S., such as the E.U. countries). Moreover, especially in Western Europe but also in Lackawanna, N.Y. terrorists were citizens, immigrants of the second generation.

### **Al Qaeda and Islamism**

Sunni extremism (or Salafist Global Jihad) is the strategic target of the war on terrorism. While terrorism everywhere and against any group is loathsome, nationalist terrorist organizations such as the Provisional I.R.A., E.T.A. and F.A.R.C. do not possess a global reach and do not directly threaten the United States (see chapter II).

Al Qaeda itself is not a collection of deranged “evildoers” but dedicated revolutionaries with a tenacious commitment to jihad. After the 9/11 counteroffensive al Qaeda is less a center of operations than a source of inspiration to a network of like-minded jihadi groups. Jihad is part of a broad Islamist movement which is both anti-imperialist (like the Viet Cong) and revivalist (like extremist evangelicalism or various forms of fascism). Al Qaeda inc. represents a terrorist spin-off from the Islamist movement. Not all Islamists are revolutionaries, still fewer are terrorists. Islamism is a broad based ideological and political trend with official, non-violent reformist, student protest, revolutionary and terrorist wings (see chapter III). Though Islamist organizations have common roots in the Egyptian Muslim Brotherhood, that parent organization has adopted a non-violent reformist parliamentary strategy. Salafist Global Jihad as practiced by al Qaeda and its affiliates became the loudest voice of Islamism in the aftermath of the failure of revolutionary Islamic movements throughout the Middle East. The failure of political Islam was itself the aftermath of the failure of previous anti-imperialist movements such as Arab nationalism and Arab socialism.

In some respects the split between a violent or terrorist Islamism and peaceful Islamism might recall the splits in the 20th century Communist movement – those that gave rise to such essential anti-Communist allies as Social Democracy. Yet many “peaceful” Islamic organizations (such as charities) have been linked to terrorism. In the main political Islam is an anti-imperialist and revivalist movement opposed to U.S. and Western influence and to the existence of Israel. We should not admit those who facilitate terrorism (whether by preaching, recruiting, target-spotting or direct action). But on the other hand we should not exclude Muslim

activists who oppose terrorism and who seek to work, like many Christian or Jewish fundamentalists, to moralize society by peaceful means.

### **Jihad Support Networks**

The U.S. government has frozen the funds of Islamic charities and executed search warrants against financial networks. But these are only part of a complex web of organizations which include academic institutions in universities, Islamic conferences in all major cities, non-governmental organizations and mosques which practice a dual discourse: comforting English and virulent Arabic sermons (see chapter IV).

One government effort to probe terrorist support networks in the United States was the INS program of “special registration.” Four groups of countries were called beginning with Iran, Iraq, Libya, Sudan and Syria. However, our compilation of 212 terrorists found few representatives from that first group of countries (see Appendix A). That is to say, there was little correlation between the countries required to register and those with individuals arrested for involvement in al Qaeda terrorism. The order in which nationals of countries such as Iran, Iraq and Libya were called first whereas Saudis and Egyptians were called third and last, respectively, may have corresponded to foreign policy priorities but not to terrorism profiles or to the political composition of expatriate communities. According to our calculations, under the INS Special Call-In Registration fewer than 20% of potential material witnesses or terrorists could have been expected to register. The same disconnect was found with the otherwise prudent and successful FBI program of “voluntary interviews.” Both programs apparently were based on U.S. government lists of terrorist countries, failing to single out the strategic threat.

### **Sleeper Cells and Hit Squads**

Attacks on the West have been carried out largely through two methods of terrorist attack: the sleeper cell and the hit squad (see chapter V). Sleeper cells are lodged in the immigrant community and pose a threat from the inside. Sleeper cells could develop from support networks staffed mainly by middle-class professionals and students who run Muslim charities, foundations, conferences, academic groups, NGOs and private corporations and who are often linked to mainstream mosques funded by Saudi families. Hit squads represent a threat from the outside. They deploy aliens, assembled overseas, who enter the country with legal or fraudulent documents with a specific mission (i.e. the 9/11 hijackers). Hit squads have also been used to attack European and North African targets. But hit squads could strike at the most vulnerable



area of our immigration system: the current Visa Waiver Program which permits nationals of 27 countries (including Western Europe) to enter without so much as an interview by a U.S. official. This combination of terrorist methods means that our attention cannot focus exclusively either on foreign visitors or landed immigrants. From an operational immigration standpoint, sleeper cells and hit squads challenge opposite ends of the immigration system: landed immigrants and visitors.

### **Jihad and Immigration in the West**

In Western countries jihad has grown mainly via Muslim immigration. Jihadis are firstly visitors who establish support structures in West. Frequently visitors come as students and become born again Islamists in the West – Mohammed Atta being the classic example. In Europe the problem is vastly complicated by the emergence of a Muslim second generation, many of whom do not feel attached to their new home countries. A section of these, especially unemployed youth, have been responsible for a surge of gang rapes, anti-Semitic attacks and anti-American violence. They are candidates for terrorist recruitment and some have formed sleeper cells (see chapters V and VII). Where assimilation has failed, jihad has found fertile territory.

### **Immigration and Terrorism in Western European and the U.S.**

Thanks to the relative prosperity and assimilation of American Muslims, European Muslim immigrant extremism represents a greater danger. But we should not drop our guard against American sleeper cells which could be drawn from extensive Islamist support networks or alienated sections of Muslim communities. Yet the American Muslim community is fragmented, diverse and generally less hospitable to radical Islam (see chapter V). When American Muslims are receptive to jihad, it usually takes the form of funding terrorism not committing it. Support networks among first generation Muslim immigrant professional classes rather than Muslim immigrant working class communities are the likeliest addresses for U.S. sleeper cells. To strike at the United States, it appears that al Qaeda generally must rely on infiltration rather than domestic recruitment.

Today Islamism, not socialism or nationalism or other forms of “anti-imperialism” is the strongest, most serious danger to nation states in general and to European polities and cultures in particular. In Western Europe, as opposed to the United States, migration is proving much more problematic because of its Muslim character. On the other hand, Islamism often comprises an alternative to gangs and directionless unemployment or otherwise downward mobility. Radically

alienated populations are also present in countries such as Britain, France, Belgium, and the Low Countries (see chapter VI).

### **Security regimes in Britain, France and Germany**

We examined in detail three Western European countries with varying degrees of challenges and successes in combating terrorism. Britain's mosques have become a megaphone for radical Islamism. France has a serious problem of mass Muslim alienation but provides the best combination of security, information and cooperation. The main reason is that France is the only E.U. country that previous to 9/11 faced a major Islamist terrorist campaign. If Irish terrorism diverted British attention away from jihadists, Algerian terrorism had precisely the opposite effect in France. While Britain was preoccupied with the IRA and Germany with right wing extremism, France was focusing on the Algerian GIA, which then reportedly had al Qaeda backing (see chapter V). Germany, which gave us the Hamburg cell in part thanks to its permissive and fragmented security structure, also enjoys the mildest Muslim population thanks to its mainly Turkish provenance. Britain has an excellent but overburdened security service, but has been slow to ban hate speech or, until recently, smash terrorist networks. The contrasting French efficiency on terrorism controverts easy assumptions about allies in the war on terrorism based on far better known positions on Iraq (see chapters VI-VII).

French domestic intelligence professionals have had some success in "turning" exhausted terrorists, though French and other European security officials are in agreement with their American counterparts that fanaticism makes infiltration extremely difficult.

### **The New Jihadi Threat in Europe**

Al Qaeda strives to recruit individuals with access to Western passports. Since September 11 jihadists have rebuilt and even extended their European operations. That is the conclusion drawn by senior counterintelligence officials, secret recordings of conversations between militants and classified intelligence briefings (see chapter VII). Similarly, from interviews with U.S. and European authorities a consensus emerged that another mass terrorist attack on the United States would most likely come from outside, probably by means of a hit squad. Another such attack on the United States stands a good chance of coming from Western Europe. The threat from Europe explains why several flights from London and Paris were cancelled during last December and January. Today thanks to our Visa Waiver Program (VWP) with Western European countries, any European citizen can enter the United States without a visa. We should not cancel or suspend

the VWP, a step which would not only harm business and travel but further antagonize European publics. One remedy is to place Department of Homeland Security agents at check-ins to U.S.-bound flights to conduct interviews of selected travelers. This and other proposals can be found in chapter VIII.

Along with Israel, Western Europe and the United States constitute the main target of the jihadists and thus must form the cornerstone of a strategic alliance against jihadism. Europe has focused more on internal security, the United States on external. This is a consequence of the nature of the differing threat to the two regions; in both cases the threat emanates principally from Europe. These differing priorities in dealing with a threat coming from the same source have led to tensions and controversy across the Atlantic. Now is the time for the North Atlantic countries to mend their differences, draw from each other's perspectives and resources and unite against a common threat.

### **Intelligence and immigration control**

Intelligence is the nerve system of an effective counterterrorist immigration policy. However, procuring timely, usable intelligence on al Qaeda inc. has proved exceedingly difficult. This human intelligence gap may take years to fill, especially if al Qaeda inc. remains an array of networks. Meanwhile there is a pressing need to continue to detain terrorists abroad (as well as here) for they have proved our best source of information, for liaison with foreign intelligence agencies (encouraging their efficiency and commitment to anti-terrorism), to train our own Arabists and other linguists, to modernize human intelligence and to inculcate relations with our own domestic Muslim communities.

But if intelligence is not a silver bullet and if the "needle" resists discovery, would we be better off trying to trim the "haystack?" The reputation of the INS as the archetypal, blundering, antiquated bureaucracy was well deserved. Now that it has been folded into the embryonic, inchoate DHS and charged with new tasks, we can be forgiven for doubting whether its administrative capacity has improved. Indeed, institutional capacity represents a serious deficiency from intelligence right through immigration (CIA, FBI, DHS). If we choose to maintain our current immigration levels, we shall have to increase administrative resources. The kind of scrutiny that national security now demands of immigration cannot be accomplished with the current correlation of officials and immigrants. Either more government or fewer immigrants.

### **Administrative Incapacity**

Over time we should consider the formation of a “Visa Corps” that would be a component of a Homeland Security Service, with different priorities from the Foreign Service officers who currently issue visas. But today the DHS is a fledgling organization trying to cope with tasks already assigned to it by the Congress after September 11 as well as with inherited tasks with an added dimension such as customs, border control, air transportation security etc. To pile on a massive temporary workers program, as President George W. Bush has proposed, is unwise and imprudent from an administrative as well as a national security standpoint. Even if guest worker programs had not proved time and time again to be managerial nightmares, beds of corruption and illusory solutions, we simply do not have the administrative capacity to handle such a program and our national security tasks. The new program would draw down the already strained resources of the DHS. But President Bush says the “first principle” of his immigration proposal is that “America must control its borders.” To realize that principle he must induce Mexico to take joint responsibility for our shared border. Under the current immigration proposal, DHS will have to verify whether the applicants have real jobs and whether they return after their three year term of employment (not to mention background checks). If some of the 10,000 DHS agents on the southern border could be shifted to interior enforcement, we might have a chance of handling the managerial load of the proposed, nevertheless still reckless, temporary workers program. That could only be achieved if Presidents Bush and Vicente Fox were to make joint border responsibility a reality (see Appendix 1).

### **Americanization 21<sup>st</sup> Century Style**

Where assimilation has failed, either because of host country social customs, immigrant attitudes, policy failures or simply overwhelming numbers, support for political violence has proliferated (see Appendix 2). We need a 21<sup>st</sup> century version of the Americanization programs that federal, state and local government, private business, schools, labor unions, religious and other voluntary associations promoted a century ago. The same kinds of programs are needed in Europe and in some countries are being undertaken. A weak national ethos characterizes nearly all advanced countries. Everywhere in the post-industrial West the centripetal forces of national integration and cohesion tend to be overridden by the centrifugal forces of immigration, globalization and multiculturalism. In elite discourse patriotism is considered old fashioned at best, racist at worst. But in fact 9/11 showed that the nation state was not a thing of the past. Borders became relevant again, national unity a prerequisite for fighting terrorism. In the United

States that unity was not ethnic in character but civic—based not on an ethnic group or religion and exceptionally tolerant of differences.

### **Targeted Policies are Best**

Over the last year or so far more attention from interest groups, research institutes and the media has been devoted to alleged abuses committed by the Department of Justice, specifically the FBI and the INS, than to the dangers we are describing. The main burden of the complaints has been that the policies violated civil liberties and discriminated against Muslims and Arabs. A seemingly contrary line of complaint has been that post-9/11 immigration policies have not paid adequate attention to our large number of illegal aliens. Both sets of complaints (ethnic or religious profiling and ignoring illegals) miss the mark. The criticisms tend to lose sight of the central goal of aligning immigration/national security policy to the challenge posed by jihad. Both fail to reckon with the main danger to the country and our limitations in meeting it. The categorical nature of the danger together with the insufficiency of administrative, investigatory, police and intelligence resources must be considered in explaining the minor mistakes committed during such measures as the post-9/11 “PENTTBOM” detentions (sometimes seriously misreported in the media and “watchdog” reports), “voluntary” interviews with foreigners, and the registration of visitors from Muslim countries (see chapter VIII). But to the extent that our intelligence improves, our policies should become more targeted. A corollary of these conclusions is the maxim: intelligence permits and promotes targeted policies. But the absence of intelligence cannot be an excuse for inaction and may require pursuing commonalities based on a variety of factors (among them such as those found in our matrix- see Appendix A).

## I. The Convergence of Immigration and National Security

Though most immigrants are not terrorists, most terrorists are immigrants. That is one conclusion from our research into more than 212 known terrorists in North America and Europe.<sup>1</sup> It is also the conclusion of the leading authority on al Qaeda.<sup>2</sup>

Our analysis of those implicated in terrorism in North America and Europe shows that, with the exception of the rare local convert, they were all visitors or first- or second-generation immigrants, many of them illegal by virtue of overstaying their visas or entering fraudulently. But that is not the last thing to be said on the relationship between immigration and terrorism. One must promptly distinguish, as our political leaders did after September 11, between the vast majority of harmless immigrants and the few terrorists and terrorist-supporters among them.<sup>3</sup>

The American public, and common parlance, regards the hijackers as “immigrants.” Of course, technically speaking, the hijackers were not immigrants but visitors; they entered the country on “non-immigrant visas” (primarily as tourists and students). Immigrants settle; in the United States they are recipients of “green cards” for the purpose of permanent residence. Immigration dogmatists claim that the hijackers were not technically immigrants, and that immigration policy bears no responsibility for September 11.<sup>4</sup> But the man on the street rightly views immigration as a broad phenomenon encompassing visitors or sojourners as well as settlers. Immigration, which had seemed to offer him nothing but bargain nannies and gardeners,

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<sup>1</sup> We have surveyed 212 individuals arrested or killed from 1993 to 2003 in North America or Western Europe for their links to al Qaeda. See appendix A, also found at [www.nixoncenter.org](http://www.nixoncenter.org). Steven Camarota studied 48 terrorists detained before September 11, including the 19 hijackers. Steven Camarota, *The Open Door: How Militant Islamic Terrorists Entered and Remained in the United States 1993-2001*, (Washington, DC: Center for Immigration Studies) 2001. Hereafter referred to as Camarota 2001.

<sup>2</sup> Rohan Gunaratna, a leading international authority on al Qaeda, stated at the Nixon Center on December 1 2003 “All the major terrorist attacks that have been conducted, in North America and Western Europe, with the exception of Oklahoma City, have been by terrorist groups that have recruited from the migrant communities or that have used the migrant communities as a cover.”

<sup>3</sup> Those breaking the law to find work and those intending mayhem against civilians comprise different classes of offenders, even if their paths may cross. Most, though not all, terrorists enter the country legally. The aforementioned study by Steven Camarota of the Center for Immigration Studies found that several of those detained in the United States in connection with terrorist acts before September 11 had violated immigration law. But nearly all of these had overstayed their legal visas. Two had entered illegally from Canada; none from Mexico, whence most illegals but few Muslims come. However, illegal immigration in high numbers creates a market for fraudulent documents. That is one way the paths of illegal immigration and terrorism may cross. Illegal Salvadorans provided false documentation for several of the 9/11 hijackers. Robert Leiken, *Enchilada Lite: A Post 9/11 Mexican Migration Agreement*, (Washington, D.C.: Center for Immigration Studies), March 2002, pg. 17.

<sup>4</sup> James Ziglar, Commissioner of the INS, Remarks to the National Immigration Forum, Washington, D.C., February 1 2002. See also Testimony of James Ziglar, Commissioner of the INS, to Senate Judiciary Subcommittee on Immigration, Oct. 17 2001.

suddenly appeared to harbor a threat.<sup>5</sup> He now viewed immigration through the somber lens of homeland security, a concept that barely registered before September 11. That is why 9/11 has soured public views on immigration.<sup>6</sup> The American public did not dwell on the question of whether Muslim terrorists found their way to our airports on permanent or on temporary visas (but, of course, policy-makers must).<sup>7</sup>

Moreover, as our survey shows, al Qaeda does not restrict its methods of infiltration to student and tourist visas.<sup>8</sup> Though al Qaeda appears to prefer legal entrance for large operations,

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<sup>5</sup> In the days before September 11 Washington was contemplating a broad immigration deal with Mexico.

<sup>6</sup> In one national poll after September 11 at least 80% of Americans concluded that the United States had “made it too easy” for foreigners to enter the country. In another, 77% said the government was not doing enough “to control the border and screen people.” Dick Polman, “Many Immigrants’ Hopes are Another Casualty of Sept. 11,” *Philadelphia Inquirer*, October 20 2001. A Gallup poll showed the percentage of Americans favoring reductions in immigration has increased from 40% to nearly 60% since Sept. 11; David Westphal, “Profound Change is in Store for America,” *The Sacramento Bee*, October 28 2001. A poll by National Public Radio, the Kaiser Family Foundation and the Harvard University Kennedy School of Government in November 2001 found that “the number of Americans wishing to decrease immigration has risen dramatically, from 41% in June 2001 to 61%....” For a summary of polls taken on immigration after September 11, see *American Public Opinion Since the Terrorist Attack*, (Washington, D.C.: American Enterprise Institute), June 3 2002 available online at <http://www.aei.org/ps/psbowman5.pdf>, accessed February 5 2004. A survey by Hamilton College and Zogby International released in February 2002 found that Americans now view immigration as a national security issue rather than an economic issue. 63% of Americans would support a policy that stops all immigration from countries suspected of harboring terrorists. “Immigration policy used to focus on welfare issues, and now it focuses on terror and security,” said Paul Hagstrom, a Hamilton College economics professor who designed and analyzed the survey of 1,078 randomly selected adults; Diane Smith, “Immigration Views Now Focus on Security, Poll Says,” *The Dallas Fort Worth Star-Telegram*, February 20 2003 available online at <http://www.hamilton.edu/Levitt/surveys/immigration/immigration.pdf>, accessed February 5 2004. This survey tracks with other polls showing increased opposition to immigration after 9/11. Several surveys also show that Americans now favor identity cards by a wide margin. “American Public Opinion on the War on Terrorism,” *AEI Studies in Public Opinion*. February 21 2003: 75 available online at [http://www.aei.org/docLib/20030221\\_AMWAR\\_Feb21.pdf](http://www.aei.org/docLib/20030221_AMWAR_Feb21.pdf), accessed February 5 2004.

<sup>7</sup> A valued reader was uncomfortable with the generalized use of the term “immigrant” to cover a broad spectrum from foreign national visitors to settled immigrants, including second generation immigrant citizens. The reader found “use of immigrants as the broad category to cover both is troubling because it reinforces what you acknowledge is confusion over what is attributable to terrorists taking advantage of weaknesses in visa/nonimmigrant admissions categories and what is related to immigrants and second/third generation marginalization that makes them ripe for recruitment. It might be better if you use foreign nationals as the general rubric and be more precise in your use of terms when discussing types of terrorist activities.” But while that suggestion – foreign nationals and/or immigrant might have added precision for some (at the price of ungainliness), it captures neither the popular perception nor the strategic appropriateness of the immigrant term. We mean here to envision terrorism from a strategic perspective, to flesh out al Qaeda’s “immigration strategy.” The latter makes it clear that all forms of “immigration” (visitors on non-immigrant visas right up to immigrant citizens) as well as all the too-numerous-to-mention stages “in between” (such as asylum claimant or temporary worker, or legal permanent resident) are integral parts of al Qaeda’s immigration strategy: to use all forms of movement of peoples as a asymmetric weapon. To conceptualize that strategic perspective, immigrant and immigration are the terms most fitting. Another option was to speak of aliens and immigrants, but the former word for most Americans evokes creatures from outer space.

<sup>8</sup> As we explain in Chapter III, “al Qaeda” refers to al Qaeda and organizations affiliated or working with al Qaeda. These organizations often work with al Qaeda on an ad hoc basis and possess no permanent links or connections to bin Laden et al. Al Qaeda is not a centralized organization but a network of networks. Especially after September 11 al Qaeda and company comprises organizations inspired by Osama bin Laden and his circle, which take strategic leadership from them though they may pursue independent tactics.

it regards legal temporary visas only as one among many vehicles for introducing operatives into the West. From the same angle it views asylum claims, the green card lottery, work permits and fraudulent passports: as a colorless means to an end.

After September 11 the parameters of our political discourse on immigration narrowed. The prospect of a major immigration accord with Mexico receded and calls for “open borders” ceased abruptly.<sup>9</sup> Even prominent immigration proponents such as Demetrios Papademetriou and Deborah Meyers of the liberal Migration Policy Institute acknowledged that “immigration ... is now viewed through a security lens.”<sup>10</sup> That immigration lens became sharp as well as somber. We ask the immigrant new questions: not only “do you have a job” but also “do you present a risk?”

A national security perspective caused the Immigration and Naturalization Service (INS) and other border agencies to move to the new Department of Homeland Security (DHS), placing immigration in a new institutional, organizational, strategic and cultural framework. At the same time the State Department Bureau of Consular Services adopted new guidelines and now issues visas under the policy guidance of the DHS.<sup>11</sup>

But the broad agreement on immigration acquiring a national security component dissolved into disputes over specific policies. This is an attempt to grind that national security lens for immigration policy and to envision the role of immigration policy within national security. That means first being very clear as to the threat posed and then fashioning policies to meet specific threats.

### **The 9/11 Fallacy: Identifying the Menace**

It is easy to get off on the wrong foot by building general anti-terrorist policies on the profile of the 9/11 hijackers.<sup>12</sup> Our study of 212 terrorists implicated in al Qaeda linked terrorist plots shows that terrorists avail themselves of every immigration vehicle. Though none of the 19 9/11

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<sup>9</sup> *The Wall Street Journal* in particular has been a strong advocate of open borders, even proposing a constitutional amendment, “There Shall Be Open Borders.” Robert Bartley, “Open NAFTA Borders? Why Not?” *The Wall Street Journal*, July 2 2001. See also Mark Krikorian, “The Security Costs of Immigration,” *The American Outlook*, February 2003.

<sup>10</sup> Deborah Waller Meyers and Demetrios G. Papademetriou, “The US-Mexico Immigration Relationship: Operating in a New Context by Setting the Stage,” *Foreign Affairs en Español*, spring 2002.

<sup>11</sup> Testimony of Maura Harty, Assistant Secretary of State for Consular Affairs, to the Senate Committee on the Judiciary, September 30 2003. Also see the Testimony of Janice L. Jacobs, Deputy Assistant Secretary of State for Consular Affairs, to the Senate Foreign Relations Committee, October 23 2003.

<sup>12</sup> See Muazzafar A. Chishti et al, *America's Challenge: Domestic Security, Civil Liberties and National Unity After September 11*, (Washington DC: Migration Policy Institute) 2003. Hereafter referred to as MPI 2003; the same is true of Susan Martin and Philip Martin's excellent policy paper in *The Georgetown Immigration Law Journal*. Susan Martin and Philip Martin, “International Migration and Terrorism: Prevention, Prosecution and Protection,” *The Georgetown Immigration Law Journal*, forthcoming in winter 2004 (18:2). Hereafter referred to as Martin and Martin 2004.



hijackers held immigrant status, Zacharias Moussaoui was a second-generation French Moroccan who, like the hapless “shoe-bomber” Richard Reid, arrived from England (see Chapter VII) without a visa under our Visa Waiver Program with then 29 mainly European countries. The Latino Jose Padilla, the so-called dirty bomber, whom al Qaeda documents found in Afghanistan call “the immigrant,” was actually a U.S. citizen who moved from Puerto Rico to Chicago at age five. Padilla became involved with gangs as a juvenile and converted to Islam during one of his frequent trips to prison.<sup>13</sup>

The 19 hijackers were hit men rather than “sleepers,” with a specific mission and short timetable. Some arrived only weeks before the attack. The hijackers did not live here in “social isolation,” as intelligence agencies once thought. But they received little assistance from migrant communities, though Islamic terrorist missions usually have secured that cover.<sup>14</sup> Iyman Faris, the Ohio trucker arrested in July 2003 on information gathered from a leader of al Qaeda detained overseas, was a “sleeper” and a naturalized citizen.

Public opinion has backed government measures to monitor immigrants in connection with 9/11. But these steps have aroused widespread complaints from civil rights organizations, immigration watchdogs, Arab- and Muslim-American organizations and editorialists. The main burden of these complaints has been that these policies violated civil liberties and discriminated against Muslims. A seemingly opposing line of complaint has been that post 9/11 immigration policies have failed to enforce laws pertaining to the large number of illegal aliens and criminal aliens who are at the same time illegal.

It is true that some of our post-9/11 policies appear to have been motivated as much by politics and opinion polls as by national security. Moreover, under extraordinary circumstances, law enforcement officials have made their share of mistakes in implementing those policies. But both sets of complaints (ethnic or religious profiling and ignoring illegals) miss the mark. The criticisms lose sight of the central goal of aligning immigration/national security policy to the challenge posed by Islamic terrorism. Both sorts of criticism divert attention from the main danger to the country and from our very limited capacity to confront that danger at our borders and within our immigrant communities.

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<sup>13</sup> Wanda J DeMarzo et al, “Suspected Dirty Bomber’s Violent History Led Him to Terrorists,” *Miami Herald*, June 12 2002.

<sup>14</sup> Initial statements by government officials gave the impression that the hijackers generally avoided contact with individuals who might draw government scrutiny. The Congressional Joint Inquiry into the Terrorist Attacks concluded otherwise. *Report of the Joint Inquiry into the Terrorist Attacks of September 11, 2001*, (Washington, D.C.: U.S. Congress), 2003:168-71. Hereafter referred to as JI.

With little information on what was being hatched, or by whom, the Bush administration occasionally resorted to blanket measures, most notably the INS “special registration” which we analyze in Chapter VIII and Appendix A. But if we found ourselves groping in the dark at a nebulous enemy, the remedy is not inaction but light. To the extent that our intelligence improves, our policies can become more targeted. But improving intelligence after a long downward slide during which a fanatical and diligent conspiracy developed will not happen overnight. What do we do meanwhile?

Our endeavor is to focus the national security lens on immigration policy and to conceptualize the post-9/11 nexus between counterterrorism and immigration policies. That entails identifying threats and then fashioning policies to meet them. The sharper the identification, the more targeted the policy. We shall evaluate individual policies in accordance with this maxim.

Thus, we shall begin by characterizing the threat posed by Islamic terrorism, specifically the identities, the immigration status and the patterns of conspiracy of those targeting the United States and Europe. But because jihadism cannot be reduced to al Qaeda and its affiliates, we must also discuss the Islamic support network existing in the United States (as well as other countries). Just as Communism could not be reduced to the Communist Party (American, Soviet or Chinese), Islamism too is a movement with a variety of branches and tendencies. Which of these are dangerous and should be deterred from entering the U.S. or, if already here, monitored?

We distinguish three sorts of menaces: sleeper cells, hit squads (such as the hijackers) and support networks. Though its inception, planning and training encompassed several countries, the September 11 attack was perpetrated by a combination of sleeper cell (the Hamburg cell) and hit squad (the hijackers). All of the operatives were Muslim immigrants. The Armed Islamic Group (GIA) Metro bombings in Paris during the mid-1990s were the work of an immigrant sleeper cell composed of French Muslim citizens of Algerian extraction under Algerian GIA leadership. The Lackawanna “sleeper cell” (the reason for the quotation mark will become evident) was composed of Muslim Americans, most of whom found that jihad was not their calling. We shall show why we believe the readiness of the French Muslims and the reluctance of the American Muslims was not fortuitous. Similarly with respect to support networks, London’s Finsbury Park mosque presents in high relief and colorful characters what in the American case comes in low-relief charts and dots that may or may not connect.

### **From Intelligence to Targeted Policies to Bi-Partisan Stability**

Policy precision is largely a function of the collection, analysis and sharing of intelligence and the availability of viable policy instruments. We can forgo controversial measures such as blanket detentions or restrictions applying to entire (Muslim) countries to the extent that we are able to evaluate the political forces in individual countries and identify terrorists seeking to enter the country. That requires surveillance, infiltration and sophisticated analysis, the very domains where the *Congressional Joint Inquiry into the September 11 Attacks* found glaring deficiencies. After September 11 our captures and interrogations of terrorists abroad have yielded useful evidence, revealing an organic link between the offensive and the defensive: between fighting terrorism abroad and protecting the homeland. But until we dispose of regular, specific and actionable intelligence, we may be forced, in the face of a threat or an attack, to adopt broad, controversial immigration policies, though we hope they shall grow increasingly specific and worthy of general approval.

The same relationship holds for civil rights. Our ultimate objective is a policy that will infringe on no one's civil rights. The war on terrorism appears to be a long twilight struggle against global jihad. It must be proof against political volatility. We cannot dismantle effective programs just because they are controversial with each changing of the guard in Washington. The incumbent administration must nurse bipartisan support for counterterrorism; it must foster support not only from Muslims (often a valuable source of information) but also from the general public. Bipartisanship is as vital to homeland security as it is to foreign policy.

Defeating terrorism demands preemption, whether at home or abroad, on the offense and on defense. Contemporary terrorism premeditates unforeseen mass attacks on civilians. Neither the U.S. military nor the FBI can bide its time until the terrorist strikes, waiting to retaliate or to assemble evidence for a criminal trial. But preemption need not mean blanket measures if we gather, disseminate and analyze intelligence effectively. This, however, is a tall task in the face of a clandestine, decentralized and single-minded conspiracy.

### **Immigration and Terrorism in the West**

Islamic terrorism is directed not solely at the United States but at the West and its allies. More so in Western Europe than in America, immigration has become a charged political issue. Europe's experience sheds light on our situation, by virtue both of what we share and what differentiates us. We have in common a long unbroken wave of immigration, beginning at roughly the same time and perpetuated in similar ways. Two generations of mass immigration have arrived at the doorstep, and often remain on the doorstep, of societies whose absorptive capacities and

centripetal powers have dwindled, whose capacity for civic assimilation has dwindled even as their economies have grown more diverse and potent. Western societies, especially European ones, are less self-confident and less apt to positively assimilate immigrants than a century ago. Immigrants and their offspring seek to enter economies no longer based on unskilled, physical labor and mass production but rather on skilled, mental labor and service and information economies. Immigrant networks germinated in industrial societies have deepened and widened even as those societies have become post-industrial, leaving many underdeveloped countries far behind but providing fewer remunerative unskilled jobs.

With this economic transformation has come to the West a mass adversarial and secular culture, powerful media accompanied by the erosion of public schools and other secondary institutions (political machines, labor unions, churches and neighborhood associations) that previously served to assimilate newcomers. Instead immigrants or their children often undergo a kind of adversarial assimilation, in which they are welcomed and even celebrated by counter-elites.

As long as a decade ago Marvin Weiner was struck by the “diminished pace of assimilation by immigrants in many host countries and by the eagerness of migrants to retain ties with their countries of origin...”<sup>15</sup> In the case of Muslim immigrants homeland ties have been replaced by religious ties. In an age that Samuel Huntington describes as one which “the most pervasive, important and dangerous conflicts will not be between social classes [or ideologies or superpowers] ... but between people belonging to different cultural entities,” the perceived religious obligations of immigrants have become a powerful centrifugal force in part because of the centripetal claims of economic integration.<sup>16</sup>

As a long-standing country of immigration the United States has enjoyed somewhat more success than Europeans in absorbing immigrants and their children. But after September 11 what most sets the U.S. apart from Europe is the provenance of our newcomers – in the U.S., Asian and Latino; in Europe, predominantly Muslim.

Europe’s Muslims, as one British Muslim leader explained to me last winter, are “already inside the fortress.”<sup>17</sup> Recent reports suggest that European countries now have become the planet’s most fertile ground for Islamicist recruitment.<sup>18</sup>

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<sup>15</sup> Myron Weiner, ed. *International Migration and Security*, (Boulder, Colorado: Westview Press), 1993: xiii.

<sup>16</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, (New York: Simon and Schuster), 1996: 28, 36.

<sup>17</sup> Personal interview with Dr. Zaki Badawi, Dean of the London Muslim College, London, December 14 2002. Hereafter referred to as Badawi Interview.

Do Europe's immigration and national security problems show us our future? As Richard Reid and Zacarias Moussaoui illustrated, Europe's immigration and terrorism problems can become ours. We must broaden the profile of potential terrorists to include those able to travel from friendly European countries without visas. The presence of large disaffected immigrant Muslim communities, on whom al Qaeda has focused for years, argues that we should rework our Visa Waiver Program with countries such as Belgium, France, Germany, the Netherlands and the United Kingdom.

Even if the Europe Union were somehow able to restrict Muslim immigration, that would hardly solve a security problem which often emanates from citizen children of immigrants "inside the fortress" mounting their own "revolt of the second generation."<sup>19</sup> Specifically restricting Muslim immigration would alienate local Muslims and sever connections with Muslim informants. It would appear that what the Europeans need today, and the Americans possibly tomorrow, is to integrate their Muslims better. But is that possible in America, given previous and post-September 11 strains on our immigration services, the callowness of our Department of Homeland Security, and the shifting mission of our FBI, without either vastly increasing those agencies or reducing overall immigration so as to provide a breather within which to integrate, or more precisely, assimilate those already in the country?

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<sup>18</sup> Don Van Natta, Jr. and Desmond Butler, "Anger on Iraq Seen as New Qaeda Recruiting Tool," *The New York Times*, March 16 2003; see also Olivier Roy, "EuroIslam: The Jihad Within?" *The National Interest*, Spring 2003. Hereafter referred to as Roy 2003.

<sup>19</sup> A generation ago Michael Piore wrote of "the distaste for available work in settled communities with sizeable second generations whose upward mobility is blocked." Michael J. Piore, *Birds of Passage: Migration, Labor and Industrial Societies*, (Cambridge, England: Cambridge University Press), 1979: 107. The Russell Sage Foundation in New York has sponsored a series of studies on this contemporary problem in America. Recent studies of the American phenomenon include: Rubén G. Rumbaut and Alejandro Portes, eds. *Ethnicities: Children of Immigrants in America*, (Berkeley, CA: University of California Press), 2001; Roger Waldinger, ed. *Strangers at the Gates: New Immigrants in Urban America*, (Berkeley, CA: University of California Press), 2001; Alejandro Portes and Ruben G. Rumbaut, *Legacies: The Story of the Immigrant Second Generation*, (Berkeley, CA: University of California Press), 2001; see also Herbert Gans, "The Second Generation Decline: Scenarios for the Economic and Ethnic Futures of Post-1965 American Immigrants." *Ethnic and Racial Studies* April 1992; Alejandro Portes and Min Zhou, "The New Second Generation: Segmented Assimilation and its Variants," *Annals of American Academy of Political and Social Sciences*, November 1993; Alejandro Portes et al. *The New Second Generation*, (New York: Russell Sage Foundation), 1996. But the problem of the second generation is more serious in Europe and in the Middle East – see Chapters II and IV.

## II. The Entanglement of Immigration with Global Jihadism

Though terrorists are criminals, and though more often than not they will be confronted by police forces not armies, we are in a war against terrorism. This is not only the case because in 1996 al Qaeda declared war against the United States; not every entity inclined to declare war merits a war. But al Qaeda has shown that it can inflict mass casualties on our country. Moreover, it is capable of pursuing an organized strategy and mobilizing significant forces against us. Past efforts to meet al Qaeda as if it were a criminal gang have proved to be inadequate. We are in a war of a new type – with a stateless, transnational enemy who does not mobilize evident forces that can be deterred by a corresponding build-up. Preemptive measures by our intelligence, police and military forces are imperative.

Sunni extremism, or more precisely, Salafist Global Jihadism, is the strategic target of the war on terrorism, i.e. “terrorist organizations with a global reach” (George W. Bush).<sup>20</sup> While terrorism everywhere and against anyone is loathsome, nationalist terrorist organizations such as the Provisional Irish Republican Army (PIRA), Euzkadi Ta Askatasuna (ETA – the Basque separatist group), and Revolutionary Armed Forces of Columbia (FARC) do not possess a global reach, do not directly threaten the United States and are not strategic targets of the war on terrorism. Salafist terrorism, i.e. al Qaeda and its partners, is clearly the main target. The case of Hezbollah is more complicated because, while not Salafist, it has shown a global reach (e.g. its bombings in Buenos Aires in 1992 and 1994). However, it has not targeted the U.S., though three Hezbollah agents were apprehended in 2002 after crossing the Mexican border, and U.S. troops in Lebanon were bombed by Hezbollah in 1983.<sup>21</sup>

Palestinian Islamist organizations such as Hamas and Palestinian Islamic Jihad (PIJ) present a different dilemma. They raise funds in the United States, develop from the same Salafist historical roots as did al Qaeda’s leaders, share the goal of achieving Islamism through

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<sup>20</sup> Salafism denotes a school of thought that emerged in the second half of the nineteenth century partly in reaction to European ideas, and advocated a return to ancestral traditions of devotion. But for militants, *Salafists* were simply those who followed the injunctions of the sacred texts literally. The “jihadist-salafists combine devotion to the sacred texts with an absolute commitment to jihad.” Gilles Kepel, *Jihad: The Trail of Political Islam*, (Cambridge: Harvard University Press), 2002: 219-20. Hereafter referred to as Kepel *Jihad*. “*Salafist* thought was obsessed with reconstitution of the Muslim *umma* (the community of the faithful), and in particular with the restoration of the caliphate.” Olivier Roy, *The Failure of Political Islam*, (Cambridge: Harvard University Press), 1994: 33. Hereafter referred to as Roy *Failure*. Roy distinguished radical Islamist from fundamentalist regimes such as Saudi Arabia and Pakistan because of their contrasting views on politics, women’s rights, and Islamic law (*sharia*). Radical Islamism was “a sociopolitical movement” for revolutionary transformation, not the Islamization of society through the extension of *sharia*, and it favored the education of women Roy *Failure* 38.

<sup>21</sup> U.S. v. Salim Boughader-Mucharrafille et al, Indictment, U.S. District Court for the Southern District of California, August 8 2001. Unsealed December 13 2002.

Holy War (jihad) and, like Hezbollah, have been designated by the U.S. as terrorist groups. But also like Hezbollah, their strategic objective is not the United States but Israel. These organizations have criticized al Qaeda's actions (such as the November 2003 Riyadh bombing). Al Qaeda itself has not made headway among the Palestinians in part because their seat has been filled by PIJ and Hamas. Yet because of the demonstrated overlap between Palestinian Islamist and al Qaeda support networks (see Chapter IV), the U.S. government should treat them similarly for purposes of immigration. We have found no serious evidence of alliances between al Qaeda and nationalist terrorist groups like the Colombian FARC or the Provisional IRA. But nuanced distinctions and complex relations do exist between the Islamist movement and Islamic terrorism, as we shall discuss in Chapter III.

In Chapter III we will show that al Qaeda, its affiliates and like-minded groups evolved from the modern Islamist movement founded by the Muslim Brothers in Egypt after World War I. Al Qaeda inc.<sup>22</sup> developed out of the Sunni rather than the Shi'ite form of Islam. Indeed, Sunni extremism, or the Salafist jihad movement, insofar as it took shape in Afghanistan after 1979, was in part a riposte to the Shi'ite revolutionary movement in Iran. There have been instances of tactical cooperation between the two (currently several important al Qaeda leaders reside in Iran), and apostles of unity can be found in both movements, but their main characteristic is bitter antagonism. In any event, it is Sunni extremism, or global Salafist jihadism, that constitutes the main terrorist threat to the United States.

Global terrorism is entwined with immigration. This, again, is not because all immigrants are terrorists, far from it. As we have said, the two are linked because nearly all terrorists in the West have been immigrants.

This observation is both obvious and troublesome. We should never lose sight of the fact that few immigrants have ties to terrorism. Immigration policy cannot be devised solely on the basis of national security. But, as the author of *Inside al Qaeda* stated at a meeting of the Nixon Center Immigration and National Security Forum, "all the major terrorist attacks that have been conducted, in North America and Western Europe, with the exception of Oklahoma City, have been by terrorist groups that have recruited from the migrant communities or that have used the migrant communities as a cover."<sup>23</sup>

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<sup>22</sup> Al Qaeda inc. refers to affiliates and those working with al Qaeda on a temporary basis. This is the best way to conceptualize al Qaeda as a "network of networks."

<sup>23</sup> Rohan Gunaratna, Remarks to The Immigration and National Security Forum, Washington, D.C. December 1 2003.

As Mark Krikorian has pointed out, immigration is terrorism's indispensable asymmetric weapon. The suicide bomber himself, or herself, is an organic synthesis of combatant and weapon. Whether the terrorist seeks mayhem by truck bomb or hijacked airplane, whether he carries a smallpox virus or sarin gas, to carry out his attack he himself must enter the country.<sup>24</sup>

We have ascertained the immigration status, legal status (immigration violations, evidence of fraudulent documents and other crimes), country of birth, host country, nationality, country of apprehension, date arrested, date convicted, and the nature of the terrorist plot in the case of 212 individuals arrested or killed from 1993 to 2003 in North America or Western Europe for their links to al Qaeda. Analysis and comparison of these rubrics have produced surprising connections and permit several conclusions.<sup>25</sup>

### **Immigration from a Jihadist Perspective**

The first are obvious, even tautological. All of these Islamic terrorists were Muslims and most were immigrants (18/212, or 8%, converted to Islam). Islamic terrorism exploits generous Western immigration policies to infiltrate recruiters, facilitators, sleeper cells and hit squads as weapons in an asymmetric war.

Whereas the West tends to view immigration from an economic standpoint, al Qaeda inc. see it from a strategic perspective. Listen to Imam Abu Baseer, one of the leading religious/ideological supporters of al Qaeda:

Just as Muslims can drink wine or eat pork in order to save them from starving, so they can immigrate to the Western 'infidel countries' to save themselves from the oppression of the governments of their homelands. [Immigration is also allowed] ... in order to enforce the Muslims and weaken the infidels. One of the goals of immigration is the revival of the duty of Jihad and enforcement of their power over the infidels. Immigration and Jihad go together. One is the consequence of the other and dependent upon it. The continuance of the one is dependent upon the continuance of the other.<sup>26</sup>

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<sup>24</sup> Mark Krikorian, "Asymmetrical Warfare and Immigration," *The National Interest*, October 16 2002. Also see Mark Krikorian, "Immigration and National Security," *The National Interest*, forthcoming in Spring 2004.

<sup>25</sup> The Matrix is available online at [www.nixoncenter.org](http://www.nixoncenter.org). Analysis of the Matrix is provided in Appendix A.

<sup>26</sup> Cited in Reuven Paz, "Middle East Islamism in the European Arena." *MERIA*, Vol. 6, No. 3, (September 2002). Abu Basir is a Saudi cleric who practices a neo-wahabbist form of Islam. A supporter of Salafi Jihadism, he is cited by terrorist groups, including the Saudi-based group *al Rayat al Sud*, or the black banners. Abu Baseer also maintains his own following through his website, [www.abubaseer.com](http://www.abubaseer.com). Reuven Paz, "The March Goes On: Saudi Islamist Opposition Is Fighting Back" *The Media Line*, July 13 2003, available online at [http://www.themedialine.org/news/news\\_detail.asp?NewsID=2374](http://www.themedialine.org/news/news_detail.asp?NewsID=2374), accessed February 20 2004. He is not to be confused with the spiritual adviser of Ansar ul-Islam, a group based in Iraq and linked to al Qaeda. That Abu Baseer was born in Jordan with the name Abdul Moneim Mustafa Halim. He has issued a series of *fatwas* (religious opinions) for the Ansar ul-Islam group from his base in West London, including one advising Muslims to attack British and American troops. Douglas Davis, "British Muslims to Honor 'Magnificent' September 11 Hijackers," *The Jerusalem Post*, September 10 2003; Jason Burke, "Fury at Muslim Talks in Memory of 9/11 Hijackers." *The Observer* (London), September 7 2003.



As I have suggested, the September 11 hijackers are not the alpha and omega of al Qaeda infiltration.<sup>27</sup> Our survey shows that all Western immigration vehicles have been exploited by al Qaeda inc. Individuals pursuing Islamic terrorism enter Western countries in every conceivable way: legally, illegally, via asylum, on business, student, and tourist visas, with immigration visas, with fake passports. They slip in through third countries. They come with and without documentation. They come from “visa waiver” countries (countries that do not require a visa for travel to the U.S., such as the E.U. countries). They receive green cards or lawful permanent residency (green cards). Moreover, especially in Western Europe but also in Lackawanna, N.Y., they are citizens – immigrants of the second or third generation. Thus, our preventive measures cannot be confined to the very real task of developing visa watch lists. The challenge posed by al Qaeda’s immigration strategy demands an analysis and remedy beyond any single mode of entry.<sup>28</sup>

Al Qaeda inc. utilize all immigration tactics. Here we shall highlight a few. On September 1 1992 Ramzi Yousef came to assist those preparing to bomb the World Trade Center in New York. He arrived with a doctored Iraqi passport he obtained easily in Pakistan.<sup>29</sup> The terrorists understood that Iraqi refugees at that time were special beneficiaries of American policy towards Saddam, and that Iraqi asylum claims were approved disproportionately.<sup>30</sup> At JFK airport investigators discovered bomb-making material in the luggage of Yousef’s compatriot, Ahmed Ajaj, and took him into custody. Yousef watched Ajaj go, then calmly walked to the customs agent and claimed asylum on the grounds he was persecuted by Saddam Hussein. Yousef was processed, told to come back in three weeks for a hearing, and released.<sup>31</sup>

Al Qaeda appears to take account of personal circumstances in pursuing infiltration. Ali Saleh al Marri is the Qatari enemy combatant, charged with being the point of contact for

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<sup>27</sup> MPI; *Entry of the 9-11 Hijackers Into the United States*, (Washington: National Commission on Terrorist Attacks Upon the United States (9-11 Commission), January 28 2004: 8.

<sup>28</sup> We do not presume that all those included in our study entered with terrorist intentions. An unknown number turned to terrorism after entrance. Mohammed Atta is the classic example of an Islamist “born-again” in the West – see Roy 2003.

<sup>29</sup> According to Yousef’s FBI interrogation Iraqi passports were plentiful in Peshawar, Pakistan, Yousef’s native country, because of Kurdish raids in 1991 on Iraqi government offices. FBI Interrogation of Ramzi Ahmed Yousef by Chuck Stern and Brian Parr. February 7-8, 1995 cited in Peter Lance, *1000 Years for Revenge: International Terrorism and the FBI*, (New York: Regan Books), 2003:296, 481.

<sup>30</sup> Between 1991 and 2002, Iraqi asylum requests in the U.S. had an approval rate of 81%. The average rate for approval during that time period was 31%. Noel C. Paul, “Drawing the Line Between Asylum Seekers and Safety.” *Christian Science Monitor*, April 3 2003: 18.

<sup>31</sup> Peter Lance, *1000 Years for Revenge: International Terrorism and the FBI*, (New York: Regan Books) 2003: 98-101. Hereafter referred to as Lance 2003.

operatives arriving in the U.S. after the 9/11 attacks. He returned to the U.S. on a student visa in 2001 because a second student visa for postgraduate study would not raise suspicion.<sup>32</sup>

After the 9/11 attacks al Qaeda inc. redoubled efforts to recruit younger members with “clean” passports and records. They focused on areas of the world (Europe and Asia) whose residents could travel without the scrutiny trained on individuals from countries with a widely recognized al Qaeda presence.<sup>33</sup> The Department of Homeland Security stated, in a warning issued in September of 2003, “Operatives have been studying countries to determine which have the least stringent requirements for entry (visas or other documentation).”<sup>34</sup>

According to the French counterterrorism judge Jean-Louis Bruguiere, al Qaeda is searching for recruits with clean histories, especially European women.<sup>35</sup> Blond-haired blue-eyed Chechens as well as Uzbeks and Chinese figured among the fallen al Qaeda fighters in Afghanistan, individuals who would have never attracted the notice of officials looking for men of Middle Eastern appearance.

### **Muslim Immigration in the West**

Al Qaeda is able to pursue an immigration strategy because of burgeoning Muslim migration. Booming European economies in the 1950s and Middle East economic stagnation made guest worker and family reunification programs viable. Cheap air travel and communications quickened the flow.<sup>36</sup> Two aspects of the Muslim exodus enabled Islamism in general and al Qaeda in particular to establish themselves, particularly in Europe. One was the emigration of Islamic militants to Western countries whose liberal regimes allow them to establish extensive networks. Another was the existence of a largely alienated cohort of second-generation Muslim immigrants residing mainly in Europe.

Because the U.S., unlike Western Europe, does not host large fundamentalist immigrant concentrations, Islamic terrorist groups must devise ways of entering the United States. In Western Europe they are, as we have heard, “inside the fortress.” European Muslim communities are major sites of recruitment because of their size, poverty, national and linguistic homogeneity,

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<sup>32</sup> U.S. v Ali Saleh Kahlan al Marri. Indictment, U.S. District Court for the Southern District of New York, December 2002.

<sup>33</sup> Josh Meyer, “A Resilient Al Qaeda Regroups and Plots,” *Los Angeles Times*, June 1 2003; Daniel Klaidman et al. “Al Qaeda in America: The Enemy Within,” *Newsweek* June 23 2003.

<sup>34</sup> *Maintaining Awareness Regarding Al-Qaeda’s Potential Threats to the Homeland*, (Washington, D.C.: Department of Homeland Security), September 4 2003. Available online at <http://www.dhs.gov/dhspublic/display?content=1442>, accessed February 12 2004.

<sup>35</sup> Jean Louis Bruguiere, Remarks to the Nixon Center Workshop on Immigration and National Security, Brussels, Belgium, May 26 2003.

<sup>36</sup> Robert Leiken, *The Melting Border: Mexico and Mexican Communities in the United States*, (Washington, D.C.: Center for Equal Opportunity), 2000: 7.

and the propensity of some to embrace fundamentalist Islam (see Chapters VI and VII). In the U.S. the Muslim community is fragmented, diverse, prosperous and generally less hospitable to radical Islam. When it is receptive, the community is more likely to fund terrorism than to commit it. To strike at the United States, it appears that al Qaeda generally must rely on infiltration rather than internal recruitment. Al Qaeda's constraints mean that Americans must first concentrate on methods of entry. But we cannot rule out internal sleeper cells, and thus must also pay attention to Muslim communities.

### **Intelligence and Immigration Policy**

This is not the place to discuss intelligence tasks. Suffice it to say that intelligence drives an effective counter-terrorist immigration policy. The immigration system first comes into direct play in the operation of watch lists, which are intelligence products. The watch lists employed at consulates, ports of entry and illegal border crossings, the leads for FBI surveillance of suspect mosques, prisons, universities and other recruitment sites, and the scrutiny by law enforcement agents all depend on timely and accurate intelligence (see Chapter VIII). Since September 11 FBI officials say that a significant amount of their intelligence has come from overseas captures and detentions (of prisoners and documents). The second leading source of information is cooperation with foreign intelligence services that run informants.<sup>37</sup> This is one of many intersections between immigration, intelligence and foreign policy and requires both diplomacy and effective internal information sharing.

Accordingly the outrage expressed in some circles owing to the fact that post-9/11 detentions, interviews and registrations were restricted to Muslims is misplaced. That does not mean that policies based on an al Qaeda "presence" in certain countries were good public policy; as we shall show below they were not. However, the reason for the fault lies not in the Muslim character of the detainees or registrants. According to our survey, the terrorists arrested in North America and Western Europe are exclusively Muslim. An al Qaeda manual found in Manchester, England states "a member of the Organization must be Muslim."<sup>38</sup> Al Qaeda operatives have

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<sup>37</sup> Personal interview with a senior CIA official; Personal interview with Michael Rolince, Special Agent in Charge of the Washington, D.C. Field Office of the FBI, Washington, D.C., August 27 2003. Hereafter referred to as Rolince Interview. Interview with Dale Watson, retired FBI, Fairfax, Va., October 6 2003. Hereafter referred to as Watson interview.

<sup>38</sup> The "Military Studies in the Jihad Against the Tyrants" handbook was found in an al Qaeda safehouse in Manchester, England and introduced as evidence in the African Embassy Bombing Trial in New York. The handbook states, as the first condition of membership in al Qaeda, "The member of the Organization must be Moslem. How can an unbeliever, someone from a revealed religion [Christian, Jew], a secular person, a communist, etc. protect Islam and Moslems and defend their goals and secrets when he does not believe in that religion

been arrested in as many as 102 countries in Europe, North America, Asia, and even Latin America. But al Qaeda's base is the Muslim arc which stretches from Morocco to Mindanao.

Many Islamic terrorist attacks involve unaffiliated groups. At the same time there are many supporters of terrorism who would not dream of carrying out attacks but lend money, ideology and political support. Finally, there are many who desire an Islamic revival, who are Islamists, but who are not terrorists. It is important to understand the connections and the distinctions between the Islamist movement and Islamist terrorism.

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[Islam]?" (Pg. 16). Available online at <http://www.usdoj.gov/ag/trainingmanual.htm>, accessed May 21 2003. Hereafter referred to as Training Manual.

### III. Islamism and Jihadism

Political Islam as we know it sprung from the break-up of the Ottoman Empire and the disillusion and resentment felt in the Arab world with the failure of the Allies to fulfill their promises of independence after the First World War.<sup>39</sup> Capping centuries of umbrage at the dominance of the West, the 1920s gave rise to the political movements that would shape the Arab region for the remainder of the century: nationalism, fascism, socialism and Islamism.

The progenitor of current Islamist movements was the Society of Muslim Brothers (MB), a transnational organization founded in 1928 on the Suez Canal in Egypt by Hassan-al Banna.<sup>40</sup> The goal of the MB was to reclaim Islam's political dimension, which had resided in the caliphate abolished in 1924 by the Turkish nationalist leader Kemal Ataturk.<sup>41</sup> The Brothers grew rapidly in the 1930s, evolving into a mass movement in Egypt and opening branches in several Muslim countries such as Jordan, Syria, Palestine, Kuwait, Sudan and Yemen, but never in Saudi Arabia or among Shiites.<sup>42</sup>

The Egyptian center often has been more moderate than the Arab sister organizations that tend to be influenced more by the radical theses of Sayyid Qutb (see below), although there is currently a transnational coordinating committee to harmonize their views.<sup>43</sup>

The MB was based primarily on a lower middle class that had recently become literate. By 1948 membership in the Egyptian Brotherhood had reached more than half a million, composed mainly of students, workers, civil servants and the urban poor. It harbored a Secret Organization responsible for military training and terrorist operations.<sup>44</sup>

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<sup>39</sup> Today's Islamists derive their roots from the Prophet and his companions. They draw inspiration from Ibn Taymiyya (1268-1323), the revivalist scholar whose *fatwas* (religious rulings) against the Mongol invaders became a model for later jihadists. Of more recent inspiration is Abd al Wahhab (1703-92), the revivalist preacher who destroyed the "idolatrous" tombs of Mohammed and his companions at Mecca and the Shiite pilgrimage site at Karbala, allying with Muhammed ibn Saud, a local tribal leader, to form the Saudi dynasty. John Esposito, *Unholy War*, (Oxford: Oxford University Press), 2002: 45, 47-8. Islamist historical antecedents can also be found in nineteenth century anti-imperialist revivalist jihads of the Mahdi in Sudan, Mullahi-Lang in Afghanistan, the Sanusis in Chad and Libya and in the *salifiyya* (the return to the ancestors) of the late nineteenth century and early twentieth century. Roy *Failure*: 32.

<sup>40</sup> Kepel *Jihad*: 278.

<sup>41</sup> Kepel *Jihad*: 43.

<sup>42</sup> All of these local branches were theoretically subordinate to the Egyptian MB, but positions taken in individual countries have been specific to that country (e.g. peaceful opposition in Egypt, collaboration in Kuwait and Jordan, armed opposition in Libya and Syria). Roy *Failure*: 110,129.

<sup>43</sup> Roy *Failure* 111-12.

<sup>44</sup> Kepel *Jihad*: 28; Barry Rubin, *Islamic Fundamentalism in Egyptian Politics*, (New York: Palgrave Macmillan), 2002: 11. Hereafter referred to as Rubin 2002.

The rise to power of the Arab nationalist and socialist Gamel Abdel Nasser produced the first split in the Brotherhood. Banna's successor sought to persuade the ruler to embrace Islam; another faction, led by Sayyid Qutb, regarded the regime, and all Arab regimes, as having decayed into benightedness and *jahiliyyah*, the Prophet's name for the ignorant, pagan society he originally encountered in Mecca. In Qutb's analysis true Muslims were under a religious obligation to wage revolutionary struggle against *jahiliyyah* regimes.<sup>45</sup> As a justification for armed struggle, the concept of *jahiliyyah* played the role in Islamism of the Marxist-Leninist concepts of class struggle and the dictatorship of the proletariat.

In preaching that Muslim societies had declined into *jahiliyyah* Qutb was joined by the Pakistani author and journalist, Maulana Mawdudi, the appearance of whose first book, *Jihad in Islam*, coincided with the formation of the Muslim Brotherhood in Egypt. But unlike Qutb, Mawdudi favored "Islamization from above," a process of converting the educated middle class to true Islam. To carry out his version of jihad he created the *Jammat-e-Islami* (the Islam Party) as a non-violent, legal Islamic counterpart of the Leninist vanguard party.<sup>46</sup> Already two paths within Islamism were apparent: the non-violent, gradualist social reformers and the radical revolutionaries with terrorist proclivities.

Nasser smashed the Muslim Brotherhood in 1954, claiming that members had sought to assassinate him. Qutb was hung and the movement went underground. Many of Qutb's followers found refuge and useful political and ideological employment under the newly oil-rich Saudi regime and its Salafist (Wahhabist) clerical allies. Brothers played influential roles in Saudi universities, and some enriched themselves and contributed to the establishment of an Islamic banking system that would eventually finance the Islamist movement throughout the world, including the United States. "Petro-Islam" was an uneasy alliance between the revolutionary Brothers who sought to radicalize the fundamentalist Wahhabis, who in turn sought to temper their newfound comrades.

Backed by oil wealth the Saudi-Wahhabi alliance began to spread its message of anti-communist piety, seeking to counter nationalist and Soviet influence in the Arab world with a revivalist message.<sup>47</sup> The Muslim World League, founded in 1962, built mosques and subsidized Islamic associations which opened channels to "the devout middle classes" (Kepel). In Egypt,

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<sup>45</sup> Albert Hourani, *A History of the Arab Peoples*, (Cambridge: Harvard University Press), 1991: 398-399, 445-446. For an excellent explanation of the history of Jahiliyya and Qutb's use of it, see William E. Shepard, "Sayyid Qutb's Doctrine Of Jahiliyya," *International Journal of Middle East Studies*, Vol. 35, Issue 04 (November 2003).

<sup>46</sup> Kepel *Jihad*: 34-5.

<sup>47</sup> Kepel *Jihad*: 205.

Nasser's successor, Anwar Sadat, broke with the former's Soviet supporters in 1972, and found uses for the Muslim Brotherhood.<sup>48</sup> In clandestinity and exile the Brotherhood had split into reformist and Qutbist revolutionary factions. By the 1970s the Islamic fundamentalist currents were enshrined in contrasting organizations: the Brotherhood, which though formally illegal, could focus on propaganda and electoral alliances and the various splinter groups that followed Qutb's revolutionary line and carried out occasional violent attacks.<sup>49</sup>

Between 1955 and 1970 the population of the Muslim world grew 50 percent, tripling the population of the great Muslim metropolises. By 1975 the under-24 cohort represented over 60 percent of the total population.<sup>50</sup> "The children of powdered milk and penicillin" were the outcome of a medical revolution and the resulting rural overcrowding and migration into proliferating urban shantytowns.<sup>51</sup> The young man from the rural slum, the recipient of schooling and of aspirations to improve his life, often found himself in a revolt against his miserable surroundings: overcrowded universities, receding economic opportunities, decaying infrastructures, fading family structures, gross inequities, and nepotistic and patrimonial political systems based on tribal patronage.

### **The Appeal of Islamism**

But the young man did come in contact with Muslim preachers maintained by the state to discourage crime and anarchy. The old world of Islam, predominantly rural and governed by a small literate urban elite, was undergoing a massive demographic transformation in which new young city dwellers would play a pioneering role. Secondary schooling gave them basic literacy for the first time, which meant not only access to books and newspapers but also to expectations of upward mobility. Universities teemed with first-generation college students, but satisfying jobs for graduates were rarely available. The spread of education combined with shrinking

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<sup>48</sup> Fouad Ajami, *The Arab Predicament*, (Cambridge: Cambridge University Press), 1982: 191. Hereafter referred to as Ajami 1982. Desiring allies against the Marxists and Nasserites, Sadat involved the reformist Brothers in drafting his new constitution and allowed them a place (though a narrow and precarious one) in Egyptian politics. The reformist Brotherhood was by now economically and socially conservative. Its leaders were drawn from engineers, doctors and other professionals.

<sup>49</sup> Rubin 2002: 16-18; Kepel *Jihad*: 64.

<sup>50</sup> Demographic data based on *World Population Prospects: The 2002 Revision* and *World Urbanization Prospects: The 2001 Revision*, (New York: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat), September 25 2003. Available online at <http://esa.un.org/unpp>, accessed 29 May 2003. The U.N. statistics depend on information supplied by the states and are to "be treated with some care" as Kepel, who uses them, points out: Kepel *Jihad*: 383 fn. 4; Roy *Failure* 53.

<sup>51</sup> Remarks by Gilles Kepel to the Ethics and Public Policy Center seminar, Key West, FL, December 15-17 2002.

budgets and fewer public sector jobs, writes Olivier Roy, “increased the number of intellectuals forced into the lower classes.”<sup>52</sup>

“Intellectual” is a somewhat grand term for the burgeoning Islamic activists. As Roy himself acknowledges, “Islamists recruit more from engineering than from philosophy departments.”<sup>53</sup> Those fundamentalists with advanced educations are frequently engineers who have undergone a stultifying ordeal of rote learning in overcrowded lecture halls and often “suffer a spiritual vacuum due to their ignorance of history, sociology or political science.” While students absorbed Western technology, they learned little of secular, humanist or liberal democratic ideology.<sup>54</sup>

The contrast of impoverished expectations with the staggering fortunes accumulated by *nouveau riche* rulers and their fixers bred resentment in these over-qualified but philosophically impoverished seekers. In a classic revolt of the second generation, the children of immigrants from the countryside joined with the devout middle class in forming a social basis for Islamism.<sup>55</sup> Often entrance was through student groups preaching a new populist political brand of Islam which offered a safe way of attacking inequality without courting the charge of atheism or communism. Communism and even nationalism were seen as fruitless and false.<sup>56</sup> At the same time, Islamists offered a defense of chastity which made a virtue out of necessity for young people unable to pursue independent lives, transforming “what was previously a reflection of one’s degraded self-image into a source of dignity.”<sup>57</sup> Along with deprived young urban poor, Islamism appealed to the devout middle classes excluded from political power and bottled up economically by military and monarchical governments, much like Puritans in Reformation Europe.<sup>58</sup> One escape from a “stalemated society” was to emigrate. Fouad Ajami wrote in 1982 that “some of the more gifted and sensitive” of Arab youth were responding to “the political and economic decline by means of emigration.” They were choosing the option that Albert Hirschman called “exit.” But for some of them, what they found in foreign lands (men like Sayyid Qutb and Mohammed Atta) led them to voice Islamic militancy. In early 2001 Osama bin

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<sup>52</sup> Roy *Failure*: 49

<sup>53</sup> Roy *Failure*: 50

<sup>54</sup> Rubin 2003: 66, 71

<sup>55</sup> Kepel *Jihad* : 65-7

<sup>56</sup> Ajami 1982: 183.

<sup>57</sup> Roy *Failure*: 56.

<sup>58</sup> Kepel *Jihad* 67.



Laden urged “emigration” from the home country to take up the fight against the far enemy, but that is getting ahead of our story.<sup>59</sup>

With the windfall from the 1973 Arab oil boycott, Saudi proselytizing zeal extended well beyond the historical frontiers of Islam, especially to Muslim immigrant communities in the West.<sup>60</sup> Among the points of convergence between Wahhabis and Islamists was the opposition to assimilation of immigrants and the establishment of “Islamized spaces” in the West.<sup>61</sup>

Meanwhile an Islamist intelligentsia formed on Egyptian, Malaysian and Pakistani campuses spread throughout the Muslim world.<sup>62</sup> By the 1980s “the Islamist movements recruited more from secondary schools than universities.”<sup>63</sup> Placed into their hands were the millions of Korans, books and tapes distributed and the networks of Islamic associations, mosques, and investment projects financed worldwide by the conservative Riyadh regime – resources radicals were quite pleased to put to their own purposes, including the overthrow of conservative regimes.<sup>64</sup>

### Varieties of Islamism

In many countries the new disaffected, young, urban counter-elites came across established national branches of the Muslim Brotherhood, complete with radical spin-offs. The devout middle class saw the movement for an Islamic state as a vehicle for gradually wresting a share of power without disturbing the social hierarchy. Alienated urban youth saw it as a path to social

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<sup>59</sup> Ajami 1982: 132; Albert Hirschman, *Exit, Voice and Loyalty*, (Cambridge: Harvard University Press), 1970: 107-8; In February 2001 bin Laden was quoted as saying “most of them [Muslims] have failed to obey Allah with jihad and emigration.” In May of 2001 bin Laden was again quoted as saying “[men] from all parts of the land must come forth and emigrate for the cause of Allah so they will make the decision and so they may arrange for jihad battalions to serve the cause of Allah...Let the persevering young men of the peninsula emigrate to the sacrifice arenas and join the vanguards preparing for jihad.” Quoted in Anonymous, *Through Our Enemies Eyes: Osama Bin Laden, Radical Islam, and the Future of America*, (Dulles, VA: Brasseys), 2002: 61-62. Hereafter referred to as Anonymous 2002.

<sup>60</sup> Kepel *Jihad*: 70, 76, 194. When the Iranian Revolution contested Saudi guardianship of the Holy Sites, the Saudis encouraged the formation of Sunni networks directed toward non-Arab countries and to European immigrants. Muslims had come in large numbers to Europe as guest worker programs in the 1950s and ‘60s and benefited from family reunification policies in the 1970s and thereafter. At the same time the Saudis and the MB established a kind of “joint venture.” The latter agreed not to operate in Saudi Arabia itself but rather to serve as a link to foreign Islamist movements in places like Southeast Asia.

<sup>61</sup> Roy *Failure*: 116-120.

<sup>62</sup> Roy *Failure*: 110-15; Kepel *Jihad*: 67. This “intelligentsia” was, as Roy notes, actually more of a “*lumpenintelligentsia*” who had “spent enough time in school to consider themselves ‘educated’ and not to want to go back to the country or work in a factory..., but they haven’t pursued higher education.”

<sup>63</sup> Roy considered the newer, less-educated generation “more neo-fundamentalist than Islamist, for it is intellectually less ‘Westernized’ than the preceding generation.” Roy distinguished radical Islamists from fundamentalists such as the regimes in Saudi Arabia and Pakistan (under Mohammed Zia ul-Haq) because of their contrasting views on politics, women’s rights, and Islamic law (*sharia*). Radical Islamism was “a sociopolitical movement” for revolutionary transformation, not merely the Islamization of society through the extension of *sharia*, and favored the education of women. Roy *Failure*: 38, 51.

<sup>64</sup> Kepel *Jihad*: 72-3, 79.

revolution. All the Muslim regimes strove to appease, divide and conquer the Islamist movement.<sup>65</sup> The divergence of interests and agendas among Islamists would run through the history of the contemporary movement and produce five kinds of groupings or tendencies:

- The reformist *Muslim Brotherhood* which sought to engineer the adoption of Islamic law (*sharia*) through peaceful parliamentary means, at least in the modern period, after their release from prison by Sadat.<sup>66</sup> For three decades the Egyptian government has not attributed an act of violence or terrorism to the MB. Yet it is still an open question whether the MB is a sincerely reformist organization or is biding its time. Nonetheless, there has been clear evolution toward moderation.<sup>67</sup> The MB has developed lucrative ties with Islamic banks and investment companies and is active in numerous charities. For all its moderation the MB still advocates the destruction of Israel and holds that the United States is “engaged in an all-encompassing, purposeful conspiracy to weaken Islam.”<sup>68</sup>
- The *establishment ulama* accept state prebends and wields influence in the official media, state sanctioned mosques and mainstream universities. Establishment Islam stresses belief, worship and rituals and generally keeps clear of politics. Establishment *ulama* are likely no mere puppets of the government and have a definite approach to Islamic tradition and prerogatives.<sup>69</sup> In Saudi Arabia the establishment *ulama* frequently countenances the views of radical Islamic oppositionists.<sup>70</sup>

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<sup>65</sup> Kepel *Jihad*: 67; 7.

<sup>66</sup> Saad Eddin Ibrahim, “Egypt’s Islamic Activism in the 1980’s,” *Third World Quarterly*, April 1988: 64. At that time the MB leadership made what the leading Egyptian scholar of modern fundamentalism, Saad Eddin Ibrahim, calls a “strategic decision to discard violence,” a decision hotly debated within and without Nasser’s prisons and never accepted by “some younger members [who] became the founders of the new *jama’at* and *jam’iyat* (see below).

<sup>67</sup> Rubin 2002: 35. The MB became mainly an Islamic pressure group in Egypt. It fared extremely well in the elections of professional societies such as engineers, lawyers and journalists. It sought to persuade the government to allow it complete freedom to run candidates for parliament on the grounds that allowing a legal fundamentalist party would weaken radical and terrorist groups. Rubin 2002:32.

<sup>68</sup> Rubin 2002: 95, 99. The moderates in the Egyptian MB countenanced Mubarak’s continuance of cordial relations with the United States in exchange for relative freedom under his regime. MB leaders occasionally even have tolerant things to say about the United States as “people of the book.” On the other hand, the terrorist Islamist Resistance Movement ( Hamas ) was founded in 1987 by members of the formerly quiescent Palestinian MB and gained access to the Brotherhood’s networks of charitable associations, sports clubs and mosques. Ziad Abu-Amir, *Islamic Fundamentalism in the West Bank and Gaza*, (Bloomington, IN: University of Indiana Press), 1994: 15, 51; Kepel *Jihad*: 151, 156.

<sup>69</sup> Rubin 2002: 79; Kepel *Jihad*: 82.

<sup>70</sup> Joshua Teitlebaum, *Holier Than Thou*, (Washington, D.C.: Washington Institute for Near East Policy), 2000:104.

- Between the Muslim Brotherhood and the revolutionary and terrorist parties and groups, swarm a variety of looser organizations, the student and community-based *jam'iyat*. The latter relieve impoverished students with “Islamic clothes,” bus service for female students, and low cost class notes. They oppose campus dances, rock or jazz concerts, films and other expressions of “decadent” Western culture. As is typical of student movements, they seek to extend outward into the larger societies through marches, rallies, public prayer meetings and the formation of mutual aid societies. But though the *jam'iyat* organize vigorously against government measures and run successfully in student elections, they refuse to take part in the political system. Thus they oppose the MB’s parliamentary orientation.<sup>71</sup> Otherwise they frequently echo the ideas of the MB or of the *jama'at*. Members often read Qutb, but usually do not denounce the regime as *jahiliyyah*. However, much of the leaders and cadre of the revolutionary groups originated in these student protest groups.<sup>72</sup>
- Then there is the shifting world of the revolutionary *jama'at* (group) and *hizb* (party) imbued with Qutbist ideology, oriented towards the overthrow of *jahiliyyah* governments.<sup>73</sup> Unlike the MB and the *jam'iyat*, which organize openly (when not banned), the *jama'at* or *hizb* are clandestine vanguards of dedicated professional revolutionaries.<sup>74</sup> They tend to embrace the terrorist theory of “propaganda of the deed,” i.e. assassinations of leaders or of infidels, bombings or some other such spectacular action could spur the dormant masses to follow their natural leaders, the Islamist vanguard.<sup>75</sup> The most important influences within the Egyptian *jama'at* were Muhammed ‘abl al-Salam Faraj and Sheikh Omar Abdel Rahman (the Blind Sheikh) who both started out in the revolutionary group *al-Jihad*, which assassinated Anwar Sadat in 1981. Both of these leaders were devoted followers of Sayyid Qutb and were major influences on al Qaeda directly or through their successor Ayman al-Zawahiri, bin Laden’s deputy and main

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<sup>71</sup> Rubin 2002: 74.

<sup>72</sup> Rubin 2002: 63-4.

<sup>73</sup> Roy *Failure*: 46, 113.

<sup>74</sup> Rubin 2002: 41.

<sup>75</sup> David Zeidan, “Radical Islam in Egypt: A Comparison of Two Groups,” in Barry Rubin, ed., *Revolutionaries and Reformers: Contemporary Islamist Movements in the Middle East*, (Albany, N.Y, State University of New York Press), 2003: 17. Hereafter referred to as Zeidan 2003.

ideologue and organizer.<sup>76</sup> In recruiting the revolutionary groups “relied heavily on kinship and friendship ties,” a pattern that would be reproduced by al Qaeda.<sup>77</sup> In the effort to form a disciplined organization to follow the ideas of Qutb, *al-Jihad* demanded that recruits, often spotted by members as fervent mosque-goers and worshipers, pass through successive stages of membership. Barry Rubin estimates that as much as 85 percent of its membership were students from poor or rural backgrounds.<sup>78</sup>

Rubin concluded that “if the Muslim Brotherhood can be equated to the chastened, increasingly reformist Marxist parties in Europe, the *jama’at* [were] parallel to the tiny, noisy Maoist or Trotskyite sects which claim return to some pure source of their doctrine.”<sup>79</sup> But the “constant back and forth” between the “moderate” MB centers and these small radical groups “sometimes rais[es] doubt about the moderate nature of the MBs.”<sup>80</sup>

- Eventually there would emerge from the failure of political Islam a fifth category, especially from the *jama’at* but also sometimes from *jam’iyat*, often under the influence of the anti-Soviet jihad. These terrorist Salafist jihadists coalesced around Osama bin Laden and al Qaeda in 1996.

### **Afghan Ancestry**

In 1979 two signal events propelled Islamism from the sectarian swamp of the schools and the network into the glare of world affairs. In 1979 the regime of the Shah of Iran was toppled by a Shi’ite Muslim theocracy.<sup>81</sup> The second upheaval, the 1979 Soviet invasion of Afghanistan, provided the U.S. and its allies in Saudi Arabia, the Gulf and Pakistan with ammunition for confronting the Soviet Union but also as a counterpoise to Shi’ite expansionism.<sup>82</sup> Even as the West allied with the Soviet Union against Hitler only to discover after victory that the U.S.S.R.

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<sup>76</sup> While Zawahiri’s Egyptian Islamic Jihad and Sheikh Rahman’s *al Gamaa al Islamiyya* share similar goals and spring from the same roots, Zawahiri and Rahman are considered rivals, and bin Laden has devoted considerable time trying to unite the two groups. Jason Burke, *Al-Qaeda: Casting a Shadow of Terror*, (London: IB Tauris), 2003: 138-139. Hereafter referred to as Burke 2003. Anonymous 2002: 129, 173-174.

<sup>77</sup> Zeidan 2003:13; Testimony of Marc Sageman, University of Pennsylvania, to The National Commission on the Terrorist Attacks Upon the United States, July 9 2003. Hereafter referred to as Sageman 2003.

<sup>78</sup> Rubin 2002: 58.

<sup>79</sup> Rubin 2002: 61.

<sup>80</sup> Roy *Failure*: 114. Some of the ambiguity derives from the structure of the MBs as an “association” rather than a centralized party, allowing a loose circulation of members and sympathizers.

<sup>81</sup> Ayatollah Khomeini cobbled together a kind of synthesis of Qutb’s ideology with the Third Worldism and Marxism of Frantz Fanon’s *The Wretched of the Earth* to popularize the term *mustadafeen*- “the disinherited.” The term reflected the alliance of the merchants of the bazaar with students and workers. Kepel *Jihad*: 37-39.

<sup>82</sup> Kepel *Jihad*: 137.

had emerged as the main danger to peace and stability, so the Cold War alliance with Sunni militancy facilitated the emergence of Islamic terrorism as the principle threat to Western security.

But the call to jihad in Afghanistan and its practical implementation “was not initiated by Muslim states as such but by transnational Islamic religious networks” assembled around the kinds of institutions created by the Muslim World League or by independent Salafists loosely connected to the Muslim Brothers.<sup>83</sup> Following ancient Muslim tradition as well as the practice of the MB, Islamic activists deployed an international network of charities to solicit donations and recruit volunteers. This financial network created numerous institutes, publishing houses, seminars, colloquia and conferences at which by the 1980s “MBs and Wahhabis, mullahs and university professors [would] rub elbows” all over the world.<sup>84</sup> Different tendencies among the Islamists sought to turn these networks to their own uses, which were to include terrorist financing (see Chapter IV).

The first step in that direction was taken by Abdullah Azzam, a Qutbist Palestinian and member of the Syrian Muslim Brotherhood, who established the Afghan Service Bureau, *Mekhtab al Khidemat* (MAK) in 1984, to recruit, finance and eventually train mujahideen.<sup>85</sup> Offices were established in 33 U.S. cities, including New York, Boston, and Tucson.<sup>86</sup> According to Gilles Kepel, in the 1980s the United States facilitated “the movements and even the comings and goings on American territory of preachers and recruiters.”<sup>87</sup>

Two years after his release from an Egyptian prison Sheik Omar Abdel Rahman, having been on a U.S. terrorist watch list for three years, “obtained his first American visa through the CIA, which he used to attend conferences of Islamist students in the United States.”<sup>88</sup> Eventually he was to receive “with unusual rapidity” a permanent residence (green) card on the grounds that he was a minister of a mosque in New Jersey.<sup>89</sup> From this mosque and another in Brooklyn he was “surrounded by a circle of poor Arab immigrants, black converts, and Muslims from the

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<sup>83</sup> Kepel *Jihad* 139.

<sup>84</sup> Roy *Failure*: 112.

<sup>85</sup> Rohan Gunaratna, *Inside Al Qaeda: Global Network of Terror*, (New York: Columbia University Press) 2002: 3-4. Hereafter referred to as Gunaratna 2002. Azzam had spent the 1970s teaching at universities in Jordan and Saudi Arabia where at the Abd al Aziz University in Jeddah one of his students was Osama bin Laden. Azzam set up the MAK in Peshawar, Pakistan, where he was soon joined by his Saudi protégé. Burke 2003: 69-73.

<sup>86</sup> Steven Emerson *American Jihad: The Terrorists Living Among Us*, (New York: Free Press), 2002: 56. Hereafter referred to as Emerson 2002.

<sup>87</sup> Kepel, *Jihad*: 300.

<sup>88</sup> Peter Waldman, “How Sheik Omar Rose to Lead Islamic War While Eluding the Law,” *Wall Street Journal*, September 1 1993; Lance 2003:42; Kepel *Jihad*: 300.

<sup>89</sup> Kepel *Jihad*: 301.

Middle East and the Indian subcontinent ... but cut off from the mass of American Muslims.”<sup>90</sup> In the midst of this group the “blind Sheikh” authorized the bombing of the World Trade Center in 1993.

The Afghan jihad provided a foreign laboratory for Islamic revolutionaries from many Muslim countries, including Algeria and especially Egypt, often to the relief of the regimes concerned. In Egypt the arrangement was particularly welcome: “subversive elements left the Nile valley to fight for the U.S. ally who was providing Egypt with crucial aid and military funds. If by chance they died on the battlefield, then that would be so many fewer radical Islamists.”<sup>91</sup> But most foreign jihadists did not die in battle; instead, under Pakistani and CIA supervision they were hardened and trained in modern techniques of handling and discharging explosives, guerrilla warfare, tracking subjects, infiltration and target selection. There were two kinds of camps – some offering basic training for “birds of passage” including sons of well-to-do Saudi families and rebels from Western immigrant suburbs, and others teaching advanced combat techniques to dedicated *mujahidin*.

Warring factions of the *mujahidin* ran separate camps, as well as other Islamist groups from Pakistan and Central Asia. There are differing opinions as to the total number of recruits to have passed through the al Qaeda camps in Afghanistan, Sudan, and other locations. German intelligence sources estimate 20,000 while the International Institute for Strategic Studies in London estimates 60,000.<sup>92</sup> The U.S. government posits that since 1979 70,000 – 120,000 people trained in the camps in Afghanistan.<sup>93</sup> The Egyptians were known as the “thinkers and brains” among the Arab-Afghans. Led by Ayman al-Zawahiri they were professional people, engineers, doctors and soldiers, with experience in secret work and the establishment of clandestine cells.<sup>94</sup>

Bin Laden deplored the *fitna*, the factional warfare among the jihad groups, and earned the reputation as a unifier, though most of his efforts were futile.<sup>95</sup> Nonetheless, his resources and his humble demeanor attracted a hard core of jihadists who became associated with the

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<sup>90</sup> Kepel *Jihad*: 302; Lance 2003: 43-6.

<sup>91</sup> Gilles Kepel, “The Origins and Development of the Jihadist Movement: From Anti-Communism to Terrorism,” Trans. by Peter Clark, *Asian Affairs*, vol. xxxiv, no. 11, (July 2003): 94. Hereafter referred to as Kepel 2003.

<sup>92</sup> *The Atlantic Online*, available online at <http://www.theatlantic.com/unbound/interviews/int2002-01-09>, accessed August 10 2003; International Institute for Strategic Studies, *Strategic Survey 2002-2003*, (Oxford: Oxford University Press), May 2003: 9.

<sup>93</sup> JI: 38 (Appendix: “Evolution of the Terrorist Threat and the U.S. Response 1983-2001”). The figure quoted in the Joint Inquiry is a substantial upward revision of earlier estimates. Cf. James Kitfield, “Osama’s Learning Curve,” *The National Journal*, November 10 2001. Rohan Gunaratna cites two estimates on pg. 8 of *Inside al Qaeda*, but the data is from 1989, therefore it is not comparable to the Joint Inquiry statistic.

<sup>94</sup> Burke 2003: 72, 152.

<sup>95</sup> Burke 2003: 76.

moniker *al Qaeda* – a term which can be translated to mean a base rule or principle, or database, or base of operations, or basis, i.e. vanguard.<sup>96</sup>

Camps combining the Salafism and Wahhabism of the social conservative monarchies of the Arabian peninsula merged with the “modern” Islamism of Qutb into what has been called Salafi-Jihadism, with the emphasis on the latter. In the military environment of the camps jihad “was understood in its most violent and fanatical sense” and, in the aftermath of the Soviet defeat, was re-targeted on the West.<sup>97</sup>

### **Targeting the “Far Enemy”**

But this retargeting went through two distinct stages. At first many of the mujahideen began filtering back to their original battlefields (sometimes they took their Muslim cause to Bosnia or Chechnya). However, in Algeria, Egypt, Jordan and other Arab countries, though the Afghan veterans infused the most hardened and fanatical fighters, the struggle met with defeat and disarray.<sup>98</sup> The failure of their actions to arouse the Muslim masses led the militants to turn to ever more spectacular and bloody actions. “Cut off from its roots within society, the extremist Islamist faction ... resorted to a brand of terrorism ... most of whose victims had nothing whatever to do with the designated enemy of the jihadists.” What Kepel denominates “spectacular terrorism” was a bid to capitalize on worldwide media attention and thus “perhaps to regain popular favor by way of television, in the absence of effective work at the grassroots level.”<sup>99</sup>

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<sup>96</sup> Burke *Jihad*: 7-8.

<sup>97</sup> Kepel 2003: 97.

<sup>98</sup> Kepel *Jihad*: 278, 286, 295, 334-41 and chapter XII; Rubin 2002: 157; In Algeria, the returning Afghan Arabs joined with remnants of other revolutionary cells to form the Armed Islamic Group (GIA). The movement lost its grassroots support because of its increasing propensity towards violence. The loss of support spurred greater violence, including massacres of civilians, which in turn further alienated the Islamists from the public. The violence grew as the GIA expanded their war to France and to Algerians who did not accept their Islamist orthodoxy. Kepel 2002: 254-75. The same fate awaited the returning mujahidin in Egypt. The Islamic Group indiscriminately killed tourists, secular intellectuals, Coptic Christians and Islamic moderates in the vain hope of sparking a revolutionary movement. Mubarak crushed the politically isolated movement. The movement split into three sections, one of which decided to reorient their strategy to target the U.S., another pledged to continue the struggle against Cairo and a third sued for peace, as did leaders of the military wing of the Algerian Islamic Salvation Front. Rubin 2002: 157-160; Emmanuel Sivan, “Why Radical Muslims Aren’t Taking Over Governments,” in Barry Rubin, ed., *Revolutionaries and Reformers: Contemporary Islamist Movements in the Middle East*, (Albany, NY: State University of New York Press), 2003:4. Revolutionary Islam died a different death in Jordan where the Muslim Brotherhood co-opted other Islamist groups. It accepted a bargain with the government in which the MB would reign in the Islamist opposition in return for seats and influence in the government. Jordanian positions in the first Gulf War and the subsequent peace talks between the Israelis and Palestinians split the Brotherhood. In 1999 King Abdullah closed offices of Hamas in Amman and imprisoned or exiled the leaders, isolating the radicals and embracing those who took part in the political system. Kepel *Jihad*: 334-341.

<sup>99</sup> Kepel *Jihad*: 320.

In all these Arab countries and other others like Syria the Islamist revolution, which had struck fear into the hearts of Western and Middle Eastern leaders in the early 1990s, had failed by the mid- '90s. Defeat by Arab nationalist governments persuaded some Islamists to compromise or withdraw from politics, but it led the most stubborn, radical and terror-minded to embrace another path. Isolated by nationalist governments as enemies of the state, noticing that nationalism retained the allegiance of the masses, the jihadists drew the conclusion that their failure to arouse the masses was the result of a mistaken strategy. Bin Laden's partner Ayman al Zawahiri would declare that "the one slogan that has been well understood by the nation and to which it has been responding for the past 50 years, is the call for jihad against Israel .... It has responded favorably to the call for the jihad against the Americans." By targeting the far enemy the jihadists would not only deal "the blow to the great master which is hiding from our strikes behind its agent" but they would be "winning over the nation when we choose a target that it favors... sympathizing with those who hit it."<sup>100</sup>

The jihadists thus expected to turn the anti-imperialism of the masses to their advantage. Retrieving an old theme of the leader of the Egyptian *al Jihad* Mohammed abd al-Salam Faraj, perhaps by way of Zawahiri, the jihadists turned their sights from "the near enemy"(the Muslim *jahiliyyah* governments) and focused them on "the far enemy" – the West: the Jews and the Crusaders and above all the United States.<sup>101</sup> Thus a conflict born in the "third world," what Cold War strategists dubbed "the arc of conflict," would enter "the zone of peace."

About this time (1996) Osama bin Laden and his "hard core" supporters left the Sudan to return to Afghanistan.<sup>102</sup> When bin Laden arrived he renewed ties with the Islamists returning from their failed bids to seize power throughout the Middle East.<sup>103</sup> In Afghanistan the hard core expanded and began to internationalize based on their highly selective and politicized reading of the *Koran*. When they surveyed the universe of Islamic struggle, al Qaeda saw *fitna*. These divisions had to be transcended in order to recreate the *umma* (community of the believers).<sup>104</sup> Bin Laden relied on his organizational and business acumen to draw local or regional revolutionary/terrorist groups under his umbrella and focus their attacks on the "Jews and

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<sup>100</sup> Ayman al Zawahiri, "Knights Under the Prophets Banner," *al-Sharq Al-Awsat*, (London), December 2-12 2001. Translated by the U.S. Department of Commerce, (FBIS-NES-2001-1202-12).

<sup>101</sup> Rubin 2002: 114, 170, 173; Zeidan points out that al-Jihad maintained links with bin Laden during the 1990s Zeidan 2003: 19.

<sup>102</sup> Anonymous 2002: 151-154.

<sup>103</sup> Burke 2003: 151.

<sup>104</sup> Burke 2003: 123, 150.



Crusaders.”<sup>105</sup> Through the infiltration or co-opting of these local groups al Qaeda began to create an international presence, a “network of networks.”<sup>106</sup>

Shortly after arriving in Afghanistan, bin Laden released the “Declaration of Jihad against the United States.”<sup>107</sup> Bin Laden used an analogy to explain the strategic shift of focus to the “far enemy:” “The situation cannot be rectified, as the shadow cannot be straightened when its source, the rod, is not straight either, unless the root of the problem is tackled.”<sup>108</sup> Once the U.S. was forced to end its support for the infidel regimes, they would collapse, liberating the Muslim world and setting the stage for global conquest.<sup>109</sup>

The events of 1996 “marked the transition from the phase of Jihadist guerrillas to the phase of sensational terrorism involving massacres,” though these tactics were clearly heralded in Egypt and Algeria.<sup>110</sup> Spectacular terrorism became the main tactic of the Salafi-Jihadist movement and Osama bin Laden became its “supreme icon.”<sup>111</sup>

The shift in targets was operationalized in 1998, with the formation of the “World Islamic Front Against the Jews and Crusaders,” an umbrella organization made up of the Egyptian Islamic Jihad, the Islamic Group of Egypt (*al-Gamaa al Islamiyya*), the *Jamiat-e-Ulema-i-Pakistan*, and the Jihad Movement of Bangladesh. The Front issued a *fatwa* (religious edict) calling on Muslims to “kill the Americans and their allies, civilians and military...in any country which it is possible to do it.”<sup>112</sup> Shortly after the *fatwa* was issued, twin explosions rocked the U.S. embassies in Kenya and Tanzania.<sup>113</sup>

### Inside al Qaeda

Tracking the curve of the Islamist movement itself, militants now training in Afghan and Pakistani camps were less educated than their predecessors.<sup>114</sup> They continued to congregate in national groupings.<sup>115</sup> Marc Sageman’s empirical analysis of individuals linked to al Qaeda

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<sup>105</sup> Anonymous 2002: 170-177.

<sup>106</sup> Bruce Hoffman, *Al Qaeda, Trends in Terrorism and Future Potentialities: An Assessment*, (Santa Monica, CA: RAND Corp.) 2003: 13-14. Hereafter referred to as Hoffman 2003. “Network of networks” is a term used by the International Institute for Strategic Studies (IISS) to characterize the nature of al Qaeda. International Institute for Strategic Studies, *The Military Balance 2002*, (London: Oxford University Press), 2003: 356.

<sup>107</sup> Anonymous 2002: 45.

<sup>108</sup> Burke 2003: 149.

<sup>109</sup> Anonymous 2002: 170-172.

<sup>110</sup> Kepel 2003: 104.

<sup>111</sup> Kepel 2003: 103.

<sup>112</sup> Gunaratna 2003: 60-61.

<sup>113</sup> Gunaratna 2003: 212-219.

<sup>114</sup> Burke 2003: 71, 155, 246. This mirrors a trend in the larger Islamic world, see Rubin 2002: 157.

<sup>115</sup> Burke 2003: 186.

reveals similar “clusters.”<sup>116</sup> Our matrix also shows that many plots linked to al Qaeda are dominated by a single nationality.<sup>117</sup>

Al Qaeda has never been a centralized organization run and directed from the top. For all its similarities with communist and fascist “vanguards, it does not adhere to democratic centralism or any other formal organizational design. Before September 11, bin Laden sat upon a loose triple-tiered pyramid. At the top was the “hard core,” the vanguard (one way of translating the term *al Qaeda*, as we have seen). The core was composed of militants such as bin Laden, Zawahiri, and Mohammed Atef. Also in the top echelon were the *shura majlis*, the consultative councils, to which influential leaders of affiliated or co-opted groups were sometimes invited. Below the *shura majlis* were four committees: military, finance, religion and media. Approximately 100 militants composed this apex of al Qaeda.<sup>118</sup>

A “network of networks” composed the second tier. Here were terrorist organizations, such as the GIA or Abu Musa al Zarqawi’s *Ansar al Islam/ al Tawhid* as well as individuals loosely tied to the leadership such as Khalid Sheikh Mohammed. These elements always had the capacity to act independently but worked with al Qaeda on an ad hoc basis.<sup>119</sup> Rohan Gunaratna says these two tiers of al Qaeda numbered approximately 4,000 “members” plus an unknown number of covert agents overseas.<sup>120</sup>

Outside of al Qaeda, but drawn upon for operations and support, lay a pool of sympathizers or fellow-travelers. The stratum included individuals trained at the camps but not invited to “join” al Qaeda as well as many not trained at the camps but willing to accept Qaeda’s discipline. These individuals were often members of other terrorist groups or lone operatives subscribing to al Qaeda’s ideology. The individuals formed a worldwide stable from which al Qaeda could choose operatives for specific missions. In 2002 the International Institute for Strategic Studies estimated that there were at least 18,000 “potential terrorists” in this category.<sup>121</sup>

The 1998 African Embassy bombings were directed from the top, from the hard core. A dedicated cell surveilled and planned the bombing. A trained team was flown in to assist with the

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<sup>116</sup> Sageman 2003.

<sup>117</sup> See Appendix A.

<sup>118</sup> Burke 2003: 12-13; Gunaratna 2003: 76.

<sup>119</sup> Burke 2003:13-15.

<sup>120</sup> Rohan Gunaratna, Remarks to the Nixon Center’s Immigration and National Security Forum, Washington, D.C., December 1 2003.

<sup>121</sup> International Institute for Strategic Studies, *The Military Balance 2002*, (London: Oxford University Press), 2003.

final stages of the attack.<sup>122</sup> The September 11 attacks were also directed from the apex. A sleeper cell of westernized, educated Muslims traveled to Afghanistan for advanced training. Planners went to Malaysia to finalize the plot. In the U.S. the “muscle,” young Saudis selected by al Qaeda, met with the pilots before carrying out the attacks.<sup>123</sup>

Al Qaeda also provides loose guidance and inspiration to sympathizers and affiliates scattered around the globe. Individuals or groups submitted projects and the leadership decided whom to support. Thus Ahmed Ressam, the “Millennium bomber,” brought the idea for a bombing on the West Coast to bin Laden who contributed logistical support and finances.<sup>124</sup> Sometimes, like a publisher, the leadership would revise the basic idea and engage someone more reliable to take over.<sup>125</sup> Rohan Gunaratna likens al Qaeda to a terrorist Ford foundation, considering proposals and funding those with promise.<sup>126</sup> Perhaps a closer analogy would be to a foundation with its own think tank, with due apologies to the German Marshall Fund, which endows its own practitioners but can also take a major hand in the project (as in September 11). In our study of 212 perpetrators of terrorist acts we found that they are all associated exogenously to their role in the attacks. That is to say, they were connected by immigration status or by nationality (See appendix A).<sup>127</sup> These connections suggest that “proposals” frequently come from groups who approach the al Qaeda leadership for funding.

A looser style, funding projects with a minimum of guidance, appears to have become the rule since September 11.<sup>128</sup> Although al Qaeda was credited with the Tunisian synagogue bombing, it appears that the links were tangential. Nizar Nawar was an unemployed Tunisian who found himself in Afghanistan immediately prior to the September 11 attacks. As the U.S. bombing intensified, Nawar was given a sum of money by Khalid Sheikh Mohammed and told to find a target and attack it. On April 11<sup>th</sup> 2002 Nawar incinerated himself outside the 2,000 year-old synagogue, killing 19, mainly German tourists. Nawar appears to have been assisted by a

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<sup>122</sup> Burke 2003: 194.

<sup>123</sup> JI: 128-141.

<sup>124</sup> Burke 2003: 186-187.

<sup>125</sup> Burke 2003: 16.

<sup>126</sup> Gunaratna 2002: 91.

<sup>127</sup> Thus in the African Embassy bombings naturalized citizens linked the group. In the Millennium Bomb plot, all involved were Algerians. In the 9/11 attacks, all the operatives entered on non-permanent visas and Saudis predominated. The Portland group was almost all composed of African American converts to Islam. Individuals arrested in Detroit were all North African. The Tunisian synagogue bombing was orchestrated from Europe. The planners of the Strasbourg Christmas Market attack were North African. The Milan Cell was mainly Tunisians. The Lashkar-i-Toiba group was dominated by U.S. citizens. These extraneous connections appear to confirm two theories about al Qaeda and company. Cell formation involves “clusters.” Sageman 2003. The initiative frequently comes from groups who approach the al Qaeda leadership for funding.

<sup>128</sup> Burke 2003: 232-233.

network of European and Egyptian militants directed by Khalid Sheikh Mohammed (see Chapter VII).<sup>129</sup>

### **Al Qaeda after September 11**

September 11 did not meet with the applause anticipated by its authors. Many Arabs refused to believe bin Laden was responsible and instead blamed Jews, Israel, the CIA or the FBI. Some claimed a majority of the dead were Muslims. Many of the world's Muslims expressed horror at the attacks rather than a desire to rise up in jihad.<sup>130</sup> But others were impressed and inspired.

The war on terrorism has killed or captured several high-level al Qaeda leaders and incapacitated an estimated two-thirds of its leadership.<sup>131</sup> It has destroyed the Afghanistan and Pakistan training camps, ended al Qaeda's safe haven in Afghanistan, turned elements of the Pakistani Inter-Service Intelligence against bin Laden, rounded up al Qaeda affiliated cells in Europe, Asia and Africa, arrested and killed thousands of operatives and sympathizers worldwide, disrupted the flow of funding, and reportedly foiled several operations in the U.S. and abroad. It has generally harried the network where it sought sanctuary in countries such as Yemen, Indonesia and Malaysia and, less successfully, in Pakistan.

Al Qaeda's threefold structure appears to have dissolved. If before September 11 one could speak of al Qaeda as an ideological and organizational entity, today it retains ideological unity but has lost organizational unity. Al Qaeda now plays a different role in international terrorism. From a center of operations it has become a source of inspiration. One might say it has undergone a Reformation; the mediator, the high priest, no longer organizes the flock. The individual believer or congregation is moved by his faith, receiving messages.

The leading journalistic authority on al Qaeda, Jason Burke, contends that after September 11 "al Qaedaism" has spread to millions.<sup>132</sup> Muslim resentment is now voiced through the "slogans ... of bin Laden, al-Zawahiri, Abu Qatada, (and) Sheikh Omar Abdel Rahman," rather than through non-violent political Islamists.<sup>133</sup> The language of these ideologues is fast becoming "a global discourse of dissent."<sup>134</sup>

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<sup>129</sup> Burke 2003: 233.

<sup>130</sup> Kepel *Jihad*: 107.

<sup>131</sup> In the January 2004 State of the Union address, President Bush declared "We're tracking al Qaeda around the world, and nearly two-thirds of their known leaders have now been captured or killed."

<sup>132</sup> Burke 2003: 238-240.

<sup>133</sup> Burke 2003: 239.

<sup>134</sup> Burke 2003: 239.

Al Qaedaism may be a broader threat than we faced before September 11, with a ready ideological framework inspiring “freelance” operatives to wage jihad against the West.<sup>135</sup> Rohan Gunaratna says currently there are roughly 30 Islamist groups conducting attacks with minimal support and guidance from al Qaeda, if any.<sup>136</sup> Bruce Hoffman notes that al Qaeda materials have been uploaded to the Internet, transferred to CD-ROMs, and “emailed to jihadists and would-be jihadists.”<sup>137</sup>

Al Qaeda’s main field of operations appears to have shifted to Southeast Asia, where its network has remained generally intact after September 11.<sup>138</sup> Bin Laden’s ties with Philippine terrorist groups, such as the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG), date from Afghanistan. In the early 1990s al Qaeda infiltrated the Indonesian Jemaah Islamiyya and transformed it into a “pan-Asian network extending from Malaysia to Japan in the north and Australia in the south.”<sup>139</sup> From this initial foothold, al Qaeda created a network that is “long-standing, well-entrenched, and extensive.”<sup>140</sup> A Southeast Asian footprint can be found on nearly every single al Qaeda plot around the world since 1993, including both World Trade Center bombings.<sup>141</sup>

But the worst news for Americans may be that European networks, crushed after September 11, have regenerated. Such an outcome was predicted by Jean Louis Bruguiere at the Nixon Center meeting in Brussels in May 2003.<sup>142</sup> Recent detentions have revealed networks tasked not only with fundraising and logistical support, but also attacks. In addition, a European network of recruiters linked to *al Ansar al Islam* in Northern Iraq was uncovered during the fall of 2003. In February 2004 its leader Abu Musa al Zarqawi was attempting to provoke sectarian war to confront the U.S. in Iraq.<sup>143</sup> The winter 2003 cancellations of flights to and from Europe also indicate an unsated thirst for spectacular mass terror – here, we may speculate, with the direct involvement of the al Qaeda leadership (see Chapter VII). As CIA director George Tenet

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<sup>135</sup> Burke 2003: 238-240.

<sup>136</sup> Rohan Gunaratna, Remarks to the Nixon Center’s Immigration and National Security Forum, Washington, D.C., December 1 2003.

<sup>137</sup> Hoffman 2003: 13.

<sup>138</sup> Gunaratna 2002: 222

<sup>139</sup> Gunaratna 2002: 247. The most comprehensive reports on the terrorist networks in Southeast Asia, including but not limited to al Qaeda are compiled by the International Crisis Group and are available online at <http://www.crisisweb.org/home/index.cfm?id=1258&l=1>.

<sup>140</sup> Gunaratna 2003: 232-233.

<sup>141</sup> CNN Presents, “Seeds of Terror,” available online at

<http://www.cnn.com/CNN/Programs/presents/shows/seeds.of.terror/interactive/interactive/index.html>. Accessed February 6 2004.

<sup>142</sup> Jean Louis Bruguiere, Remarks to the Nixon Center Workshop on Immigration and National Security, Brussels, Belgium, May 26 2003.

<sup>143</sup> Dexter Filkins, “U.S. Says Files Seek al Qaeda Aid in Iraq Conflict,” *The New York Times*, February 9 2004.

testified in February 2004: “Even catastrophic attacks on the scale of 9/11 remain within al Qaeda’s reach. Make no mistake, these plots are hatched abroad, but they target U.S. soil and those of our allies.”<sup>144</sup>

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<sup>144</sup> Testimony of George Tenet, Director of the CIA to the Senate Select Intelligence Committee, February 24 2004.

#### IV. Islamic Networks: Fronts for Jihad?

From the previous chapter distinctions as well as connections between the broader Islamist movement and Sunni extremism, i.e. Global Salafist Jihad (i.e. al Qaeda inc.) should be apparent. The terrorist organizations certainly grew out of the same movement, but the movement is by no means identical to al Qaeda. As suggested, the split between a violent or terrorist Islamism and peaceful Islamism in some measure recalls the splits in the 20th century Communist movement – those that gave rise to such essential anti-Communist allies as Social Democracy. Yet many “peaceful” Islamic organizations (such as charities) have been linked to terrorism.

Al Qaeda and other terrorist groups such as Hamas, Hezbollah, and Palestinian Islamic Jihad (PIJ) may utilize pre-existing networks or establish robust financial and support networks of their own. These networks serve as important sources of financing and fundraising on the one hand and as a primary means of promoting Islamist messages and creating public opinion on the other. We do not know the extent to which today’s terrorist groups control these networks or are the beneficiaries of networks developed by others.

But to the extent that al Qaeda uses seemingly unconnected entities to deftly move operatives and money around the globe, that means that our field of observation must widen from al Qaeda to affiliated terrorist organizations, front groups, fellow travelers, private companies, sympathetic clans or governments as well as independent or rival entities. Our field of vision must extend from charities like Benevolence International to proselytizers like *Tablighi Jammats* up to the Saudi kingdom. It is worth keeping in mind that Islamic terrorist operations generally involve more than the final perpetrators and encompass a support network of preachers, propagandists, agitators, messengers, recruiters, facilitators, donors, scouts, trainers and weapon-makers. And Islamic terrorism is only part of a larger Islamist movement.

Al Qaeda has apparently utilized Islamic charitable, financial, corporate, academic and non-profit organizations in various ways without directly controlling them. A 1996 CIA report estimated that as many as one-third of all Islamic non-governmental organizations (NGOs) and charities “...support terrorist groups or employ individuals who are suspected of having terrorist connections.”<sup>145</sup> Without the knowledge of parent organizations in the Middle East and Europe, the African branch offices of Mercy International and Help Africa People were both reportedly

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<sup>145</sup> *Nongovernmental Charitable Organizations*, (Washington, D.C. Central Intelligence Agency), 1996.

infiltrated or in some cases founded by al Qaeda.<sup>146</sup> For connections to terrorism the U.S. Department of the Treasury froze or seized the assets of the Wafa Humanitarian Organization, Somali International Relief Organization, the Holy Land Foundation for Relief and Development, the al Haramain Islamic Foundation, the Global Relief Foundation, Benevolence International Foundation, and the al Aqsa Foundation.<sup>147</sup>

### **A Federal Terrorist Search Warrant**

In this complex and murky environment private investigators, journalists and government investigators, armed with search warrants, have happened upon a web of organizations that assist terrorist groups with funds, propaganda, recruitment and political support. Through the undercover work of the Investigative Project and the SITE Institute, investigative journalism, especially by *The Washington Post*, affidavits submitted in support of search warrants by U.S. government agencies, official notices and court papers and interviews with current and former DHS and FBI officials, a highly articulated Islamist support network with hidden ties to various Islamist terrorist organizations, including al Qaeda, has come to light.

On March 20-21, 2002 more than 150 agents from the INS, IRS, FBI, U.S. Customs and local police executed a search warrant at 555 Grove Street, Herndon, Virginia, along with two other offices and eight residences in Virginia and the administrative offices of a poultry company in Georgia. The U.S. Customs Bureau, in a sworn affidavit, declared that investigators were looking to uncover a conspiracy by “a group of individuals that are suspected of providing material support to terrorists, money laundering, and tax evasion through a variety of related for-profit companies and ostensible charitable entities under their control.”<sup>148</sup>

This web of more than 100 different organizations is commonly referred to as the Safa Group or SAAR Network. These groups are suspected of using businesses, charities, and other humanitarian causes as a cover to provide material and ideological support to terrorist groups. Groups that were closed or frozen because of links to terrorism generally go by innocuous or

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<sup>146</sup> Gunaratna 2002: 68. In addition to co-opting and infiltrating charities and terrorist groups, al Qaeda is also adept at the use of front companies. These businesses may materialize and dissolve overnight, often residing in countries with few laws and regulations. *Maram*, a suspected al Qaeda front company set up in Istanbul, provided travel and monetary assistance to operatives in Europe and the Middle East. Douglas Frantz, “Qaeda’s Bankrolls; Front Companies Said to Keep Financing Terrorists,” *The New York Times*, September 19 2002.

<sup>147</sup> The list of individuals and organizations whose assets were frozen and/or seized for links to terrorism is available online at <http://www.treas.gov/offices/eotffc/ofac/sanctions/t11ter.pdf>.

<sup>148</sup> Affidavit of David Kane, Senior Special Agent, U.S. Customs Service, “[\*In the Matter of Searches Involving 555 Grove Street, Herndon, Virginia, and Related Locations\*](#),” U.S. District Court for the Eastern District of Virginia, October 2003. Hereafter referred to as Kane 2003.



pious names such as Benevolence International Foundation, Global Relief Services, and the Holy Land Foundation.

The investigation of the Safa Group revealed a vast network that stretched from Muslim charities and private companies, Islamic conferences, academic programs, think tanks, mosques, community groups and advocacy associations to terrorist organizations such as Hamas, Hezbollah, and PIJ and in some cases al Qaeda. While several subterranean vessels of support have been unearthed, once government investigators probe the many layers and artifices of the Safa Group in this ongoing investigation, they may reveal a creature that also includes organs and limbs. Massive donations by Saudi and other Gulf benefactors irrigate the network, but ideological support flows through the veins of the Safa network in countries with indigenous or migrant Muslim communities.

To illustrate the overlapping associations of the Safa Group with al Qaeda inc. it is instructive to look at several key individuals. Wa'el Hamza Julaidan was a founding member of al Qaeda who worked and fought alongside Osama bin Laden, Abdullah Azzam, and other "top al Qaeda lieutenants" in Afghanistan during the 1980s.<sup>149</sup> Julaidan was listed as a financier of terrorism by the United Nations on September 6, 2002. U.S. and U.N. officials claim that he is still active in charities today and handles large sums of money.<sup>150</sup>

Before Julaidan went to Afghanistan in the 1980s, he served on the board of the Islamic Center in Tucson and was the organization's president from 1984-1985. This center was later identified as an arm of the *Makhtab al Khidemat* (MAK, Afghan Service Bureau), set up by Azzam during the Afghan jihad. The MAK "disseminated propaganda, raised funds and recruited new members through a network of offices ... in thirty-five countries," spanning Western Europe, the United States, and the Middle East.<sup>151</sup> Jihadists reportedly used the MAK as a launching pad for establishing al Qaeda in the U.S.<sup>152</sup>

One of the most prominent U.S. branches of MAK was the Alkifah Refugee Center located on the ground floor of the Al Farooq Mosque in Brooklyn. Al Farooq became the organizing center for a terrorist cell. Its imam was Sheik Omar Abdel Rahman (the Blind Sheik),

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<sup>149</sup> "Tranche 18," Washington, D.C.: U.S. Treasury Department), September 6 2002. Available online at <http://www.ustreas.gov/rewards/pdfs/terroristlists/list18.pdf>.

<sup>150</sup> Douglas Farah, "Al Qaeda's Finances Ample, Say Probers; Worldwide Failure to Enforce Sanctions Cited," *The Washington Post*, December 14 2003.

<sup>151</sup> Gunaratna, 5

<sup>152</sup> Judith Miller and Don Van Natta, Jr. "Traces of Terror: The Intelligence Reports; In Years of Plots and Clues, Scope of Qaeda Eluded U.S." *The New York Times*, June 9 2002.

an Egyptian terrorist and bin Laden collaborator whose disciples mounted the first assault on the World Trade Center in 1993.<sup>153</sup>

Documents seized after September 11 linked Julaidan to several Islamic charities, some of which have been banned and had their assets frozen in the U.S. and abroad. In a raid in Bosnia, handwritten notes from the minutes of a meeting between Julaidan, bin Laden, and Azzam were discovered on the letterhead of the International Islamic Relief Association (IIRO) and the Muslim World League (MWL).<sup>154</sup> Other officers of Safa affiliates were also associated with the MWL in the U.S., including Yaqub Mirza.<sup>155</sup> In February 2000 Julaidan was appointed to the Board of Trustees of Rabita Trust, a Pakistan-based charity designated under President Bush's Executive Order 13224 as "an organization that provided logistical and financial support to al Qaeda."<sup>156</sup>

Wadih el-Hage, like Julaidan, was associated with the Islamic Center in Tucson while residing in Arizona in the late 1980s.<sup>157</sup> El-Hage was bin Laden's personal secretary in the Sudan in the early 1990s.<sup>158</sup> But this gentleman is especially intriguing here because he sits at the nexus of immigration, national security, and terror support networks. He utilized several vehicles of immigration, eventually becoming a citizen. But though he appeared the typical hardworking immigrant, with several jobs and seven kids, he never became a loyal citizen. Instead he remained affiliated with several different terrorist support networks.

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<sup>153</sup> Lance 2003: 38-52.

<sup>154</sup> David E. Kaplan et al, "[The Saudi Connection](#)," *U.S. News & World Report*, December 15 2003.

<sup>155</sup> Kane 2003: 5. Yaqub Mirza, the secretary and treasurer of the U.S.-based offices of the MWL, is another individual whose connections span across numerous Islamist organizations and was deeply implicated in the Safa web. Mirza's personal residence and several offices at which he was employed were raided in the Safa Group investigation. Kane 2003: 5. Mirza was one of the most active Safa members, holding positions in 22 different organizations tied to 555 Grove Street. Moreover, he had signatory authority over 27 different bank accounts in 15 of these organizations. Kane 2003: 42-43, 47. In a civil suit filed on behalf of the 9/11 victims, Mirza is alleged to be the "financial mastermind of the SAAR Network." *Thomas E. Burnett et al v. Al Baraka Investment Corp. et al*, Civil Action, U.S. District Court for the District of Columbia, November 22 2002: 287. Hereafter referred to as Burnett et al 2002. Mirza had associations with private Safa firms, foundations, and think-tanks. Two grant making foundations incorporated at 555 Grove Street were the York Foundation and Safa Trust, Inc. Mirza was the president and treasurer of York and a financial officer of Safa Trust. In one documented instance, Safa Trust sent \$400,000 to York, essentially never leaving 555 Grove Street or Mirza himself. Safa Trust also gave \$984,000 to the International Institute of Islamic Thought (IIIT), a self-professed "intellectual forum ... to promote and support research projects, organize intellectual and cultural meetings and publish scholarly works." It is mentioned ninety-one times in the U.S. government affidavit describing conduits to terrorist organizations. Kane 2003.

<sup>156</sup> [Treasury Department Statement on the Designation of Wa'el Hamza Julidan](#), (Washington, D.C.: United States Treasury), September 6 2002.

<sup>157</sup> Lisa Getter et al, "[Islamic American Nonprofits Face Increased Scrutiny in US; Charities' Financial Records are Sought to See if any Money is Funneled to Terrorist Groups](#)," *The Los Angeles Times*, November 4 2001.

<sup>158</sup> Davan Maharaj, "[Gem Tied to Terror Loses Sparkle; East Africa: Reports that Al Qaeda controlled part of the tanzanite trade have sent the stone's price plunging and left miners in the lurch](#)," *The Los Angeles Times*, March 20 2002.

Though currently serving a life sentence in a U.S. prison for his role in the 1998 African embassy bombings, el-Hage originally came to the U.S. in 1978 on a student visa to study at the University of Southwestern Louisiana.<sup>159</sup> Soon el-Hage left for Pakistan to help the anti-Soviet *mujahideen*. Reportedly el-Hage met with bin Laden, Azzam, and several other organizers of the MAK and al Qaeda.<sup>160</sup> El-Hage would later return to the U.S. and receive legal permanent residency status through marriage to an American woman, eventually becoming naturalized in 1989.<sup>161</sup>

El-Hage reportedly worked with the Hamburg 9/11 cell but apparently focused on Africa. He ran a Kenya-based company called Tanzanite King, which is believed to have been an apparatus to transfer funds into the U.S. and a launching pad for the embassy bombings. Charity work allowed him to move around freely and fund the bombings.<sup>162</sup>

Bin Laden's brother-in-law, Muhammad Jamal Khalifa, founded the Philippine office of the IIRO and has also held positions in several other Islamist NGOs and charities such as Mercy International, Benevolence International Corporation, International Relations and Information Center, and Islamic Wisdom Worldwide, among others.<sup>163</sup> Khalifa and the IIRO funded the Abu Sayyaf Group (ASG) and the Moro Islamic Liberation Front (MILF), two of al Qaeda's regional nodes in the Philippines during the early 1990s.<sup>164</sup> Khalifa is at large and resides in Saudi Arabia.<sup>165</sup>

### **Financing Jihad**

According to the U.S. Customs affidavit, in the period of 1996-2000, 71.8 percent of the money contributed to Safa charities originated in a private Safa Group firm. During the same period, 84.4 percent of grants and disbursements made by Safa charities stayed in the hands of Safa affiliates.<sup>166</sup> Funds circulated through the veins of the Safa conglomerate and usually never left the control of executives like Yaqub Mirza.<sup>167</sup> When money was disbursed for so-called aid and relief projects it often passed through two other Safa affiliates located on Britain's Isle of Man, a known tax haven. These companies are Humana Charitable Trust and York International, each of

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<sup>159</sup> Benjamin Weiser, "[4 Convicted in Bombings Of U.S. Embassies in Africa](#)," *The New York Times*, June 3 2001.

<sup>160</sup> Camarota 2001: 31.

<sup>161</sup> Camarota 2001: 31.

<sup>162</sup> Orianna Zill, "Wadhi el-Hage: Portrait of a Terrorist," *PBS Frontline*. Available online at <http://www.pbs.org/wgbh/pages/frontline/shows/binladen/upclose/elhage.html>, accessed October 13 2003.

<sup>163</sup> A discussion of these linkages can be found in Gunaratna 2002: 241-244.

<sup>164</sup> David E. Kaplan et al, "[The Saudi Connection](#)," *U.S. News & World Report*, December 15 2003.

<sup>165</sup> Mark Huband, "Bankrolling Bin Laden," *The Financial Times*, November 28, 2001; Burke 2003: 101.

<sup>166</sup> Kane 2003: 46.

<sup>167</sup> Kane 2003: 46-47.

which lists Mirza as a registered officer. In an IRS audit it was discovered that the SAAR Foundation sent \$21,128,978 to Humana Charitable Trust in the Isle of Man. While the IRS requires the monitoring of such funds disbursed for charitable work, SAAR never produced these records. The probe only accounted for \$168,667 of the more-than \$21 million in grants, which amounts to a mere 0.8 percent of the total funds.<sup>168</sup> This rate of unaccountability could be indicative of a systematic effort to divert and conceal funds.

Among these various groups and individuals one feature stands out: the studied and deceptive utilization for terrorism of innocuous, pious, even Western, institutions and practices (financial groups, NGOs, relief organizations, philanthropies but also universities, advocacy groups, the Internet, political forums, academic programs and mosques). The Safa Group and similar organizations cleverly utilized the financial networks and methods of Western finance. The Safa Group was particularly adept at layering and overlapping companies, organizations and personnel. This made it impossible to distinguish where the Safa Group began and ended and served the central purpose of obstructing governments from tracing funds through a complex web of humanitarian organizations. Furthermore, many of these groups either formed or tightened links with financial institutions that were essentially “dummy” organizations. One example is the case of Bank Al-Taqwa, which was declared a Specially Designated Global Terrorist (SDGT) entity on November 7 2001.<sup>169</sup> In a speech by President Bush following Al-Taqwa’s designation, he argued:

Al Taqwa is an association of offshore banks and financial management firms that have helped al Qaeda shift money around the world ... Al Taqwa raise[s] funds for al Qaeda. They manage, invest and distribute those funds. They provide terrorist supporters with Internet service, secure telephone communications and other ways of sending messages and sharing information. They even arrange for the shipment of weapons.<sup>170</sup>

### **Terrorism on the Web**

The Internet is another modern institution exploited by terror support networks. But the case of Sami Omar al-Hussayen exemplifies both the use of modern technology to promulgate jihad and the manipulation of our immigration system. Al-Hussayen was a doctoral student in computer science at the University of Idaho who was arrested on February 26, 2003 for visa fraud,

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<sup>168</sup> Kane 2003: 49.

<sup>169</sup> [Comprehensive List of Terrorists and Groups Identified Under Executive Order 13224](#), (Washington, D.C.: U.S. Department of State), December 31 2001.

<sup>170</sup> Youssef Nada and Ahmed Idris Nasreddin are the directors of Bank Al-Taqwa and were labeled as terrorist supporters by President Bush under the auspices of Executive Order 13224. “[Bush Announces al Qaeda Crackdown](#).” *Washington Post* November 7 2001.

allegedly violating the terms of his student visa.<sup>171</sup> Al-Hussayen was the formal registered agent of the Islamic Assembly of North America (IANA) in Idaho since May 2001, a fact he omitted from his visa applications. The IANA's mission was that of "*Da'wa* (proselytizing), which included the website dissemination of radical Islamic ideology [with] the purpose of ... indoctrination, recruitment of members, and the instigation of acts of violence and terrorism."<sup>172</sup>

Al-Hussayen was required by law to list all professional, social, and charitable organizations with which he was or would be affiliated.<sup>173</sup> Al-Hussayen is said to have operated as many as 14 different IANA-related websites which, according to Attorney General John Ashcroft, advocated "terrorism through suicide bombings and using airplanes as weapons."<sup>174</sup> Several of the websites posted *fatwas* and other decrees by radical Sheiks such as Salman al-Auda and Safar al-Hawali, identified as spiritual advisors to bin Laden in the 1993 World Trade Center bombing trial.<sup>175</sup>

The harmless-sounding Islamic Assembly of North America not only funded a senior al Qaeda recruiter at three conferences but created more than a dozen websites whose objective was the "dissemination of radical Islamic ideology, the purpose of which was indoctrination, recruitment of members and the instigation of acts of violence and terrorism," according to prosecutors' accounts in court papers filed in Idaho. One of these websites, Islamway.com, offered Arabic-language videos with graphic scenes of jihadist combat featuring al Qaeda members.<sup>176</sup>

### A Dual Discourse

Al-Hussayen and the IANA also exemplify the double discourse common among Islamist groups that have faced charges in the U.S. The IANA hosted conferences and websites that often produced a moderate message in English while inciting violence and promoting jihad in Arabic.<sup>177</sup> Furthermore, al-Hussayen also has connections to several other charities and

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<sup>171</sup> Richard B. Schmitt, et al, "FBI Casts Wide Net to Battle Terrorism; Separating Those Who Pose a Threat From Mere Sympathizers Proves Complex. Investigators Are Using Their Powers Like Never Before," *The Los Angeles Times*, March 16 2003.

<sup>172</sup> [U.S. v. Sami Omar al-Hussayen](#), Indictment, United States District Court for the District of Idaho, 2003: 7. Hereafter referred to as al-Hussayen 2003.

<sup>173</sup> Al-Hussayen 2003: 5.

<sup>174</sup> Tomas Alex Tizon, "[Where Fear, Suspicion Trade Glances](#)," *The Los Angeles Times*, April 20 2003.

<sup>175</sup> "Susan Schmidt. "[Spreading Saudi Fundamentalism in U.S.: Network of Wahhabi Mosques, School, Web Sites Probed by FBI](#)," *The Washington Post*, October 2 2003. Hereafter referred to as Schmidt 2003.

<sup>176</sup> Al-Hussayen; Schmidt 2003.

<sup>177</sup> Schmidt 2003.

organizations alleged to support terrorism. During the 1990s he was a director of the SAAR Foundation, the centerpiece of the Safa Group.<sup>178</sup>

Arabic-speaking private investigators have infiltrated several Islamic conferences and mainstream mosques and discovered the same dual discourse: a peaceful sermon in English and a dire anti-American, anti-Semitic and anti-Christian hate and recruitment sermon in Arabic.<sup>179</sup> The surface is inhabited by innocuous charities, financial groups, academic assemblies, philanthropic foundations, scholars, clerics and mosques; the underground by illegal transfer of funds to outlaw entities, agitational hate speech for recruitment and clandestine meetings of propagandists, recruiters and terrorist operatives.

Rita Katz, the director of the SITE Institute, describes several examples of double discourse in her book *Terrorist Hunter*. One involved a mainstream mosque located in Northern Virginia called Dar al-Hijra. Katz transcribed a Friday sermon there delivered by Muhammad al-Hanooti. Once the Arabic portion of the sermon started the message changed dramatically:

...Israel and the United States are planning to destroy every Muslim center in the world ... History teaches us that they are against Islam and all Muslims ... all of us have to be ready for jihad with our money and our souls ... Dar al-Hijra will be the greatest example of loyalty, of liberation, and of bringing forth the jihad which Allah calls for.<sup>180</sup>

These were not the rants of a fanatical cleric on the lunatic fringe; al-Hanooti spoke in one of America's mainstream mosques, only twenty minutes from the nation's capital.

It should be pointed out only a minority of American Muslims actually attend mosque. Moreover, anecdotal evidence suggests that many Muslims are offended and alienated by what they hear in many mosques, as in Lackawanna (see Chapter VI). And, as we have stressed, the Islamist movement is not confined to supporters of violence and terrorism. The movement as a whole has been ambivalent about pursuing re-Islamization through individual redemption and gradual reform or through violence and social revolution.

But Katz reveals similar instances of what can only be called devilish duplicity at several Islamic conferences. At a 1999 Islamic Association for Palestine (IAP) conference in Chicago, Katz visited a booth sponsored by the Holy Land Foundation (HLF), a charity that was advertising the opportunity to adopt and sponsor a Palestinian orphan for \$50 a month. After pausing to scan the reading materials and discussing the program with an HLF representative,

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<sup>178</sup> Schmidt 2003.

<sup>179</sup> Anonymous (Rita Katz), *Terrorist Hunter: The Extraordinary Story of a Woman Who Went Undercover to Infiltrate the Radical Islamic Groups Operating in America*, (New York: Harper Collins), 2003: 107-115, 147-149. Hereafter referred to as Anonymous 2003. See also Emerson 2002: 97-103.

<sup>180</sup> Anonymous 2003: 107-113.

soon Katz was able to sponsor a “martyr’s son.”<sup>181</sup> After the events of September 11, HLF and several other charities present at the IAP conference were designated by President Bush as supporters of terrorism. Aside from HLF, the conference also hosted the Global Relief Foundation and the Benevolence International Foundation.<sup>182</sup> To conclude the conference, schoolchildren performed a play entitled *How I Became a Martyr* in which young children acted out the killing of Jews in a glorification of jihad.<sup>183</sup>

Together with the complex system of “layering” funds by charities and corporations, the double discourse, the deception involves “relief organizations” that fund terrorist training, academic programs that function as “distance learning centers” to teach Salafism, Islamic conferences that host speakers belonging to or advocating jihadist groups, websites connected to foundations that promote teachings and *fatwas* advocating violence against the United States, imams and other religious figures who function as messengers for global jihad, the use of nondescript office buildings and post office boxes for hundreds of phantom organizations, and student groups and think tanks that function as recruiters, indoctrinators, financiers and even planners of terrorist actions. Some charities not only raise funds for terrorism but also fund conferences where hate speeches are delivered as part of a recruitment and/or political strategy. Moreover these charities sponsor visits to America for imams and relief workers who use their religious or charitable status as cover for underground work and to distribute jihadist funds and messages.

Lest we conclude that duplicitous agitation and pious support for terrorist groups from ostensible charities represent the extent of jihad in America, we should pause to remember Jose Padilla, the would-be dirty-bomber who converted to Islam in a U.S. prison. U.S. prisons have been identified as recruitment sites as several of the groups investigated seek to spread jihad by seeking to convert prisoners to radical Islam.<sup>184</sup>

### **Jihad Front?**

The picture beginning to emerge is of a support network (some would call it a “fifth column”) that dwarfs similar communist front groups both in size and in the methods and level of its deceptions. “It’s so monumental nobody knew how to take it on,” one law enforcement official

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<sup>181</sup> Anonymous 2003: 139-145.

<sup>182</sup> Anonymous 2003: 140.

<sup>183</sup> Anonymous 2003: 153-155.

<sup>184</sup> Paul M. Barrett, “How a Muslim Chaplain Spread Extremism to an Inmate Flock,” *The Wall Street Journal*, February 5 2003; Laura Sullivan, “U.S. Fears Al Qaeda Recruiting Prisoners,” *The Baltimore Sun*, November 25 2002. Rolince Interview; Personal interview with John Pistole, FBI Assistant Director for Counterterrorism, Washington, D.C., September 16 2003. Hereafter referred to as Pistole Interview; Schmidt 2003.

told the *Washington Post*.<sup>185</sup>

In 2002 the FBI opened a major case file on the suspected network. As of October 2003 19 individuals who came under investigation as part of the probe had been arrested or indicted.<sup>186</sup> U.S. Customs agents, former and current FBI agents, private investigators and journalists persuasively adumbrate this sophisticated network.<sup>187</sup> But the connection between Islamic networks and terrorism is tangled, abstruse and problematic. History suggests that such networks may involve participants with different perspectives and commitments. Throughout its existence the various centers and branches of the Muslim Brotherhood have developed extensive networks of charities, banks, private corporations, publishing companies, academic institutions, mosques and what today would be called NGOs. In the Jordan and the West Bank during the 1950s and 1960s for example, the Muslim Brotherhood worked in “traditional ways” by “investing in social communal activities, charity funds and religious centers... and mosques.”<sup>188</sup> When the Muslim Brothers found refuge in Saudi Arabia in the 1950s they formed an alliance with the oil-rich regime that would produce “an Islamic banking sector that would eventually finance the militant Islamist movement.”<sup>189</sup> By the 1970s this fusion was nicknamed “petro-Islam.”

But it was in this context that during the Afghan jihad Osama bin Laden and Abdullah Azzam created the MAK in Peshawar, Pakistan in 1984. One kind of connection between Muslim charities and al Qaeda is suggested by the fact that in a sense al Qaeda itself emerged out of a relief organization. A complex system was designed to channel resources to the *mujahideen* fighting against the Soviets.

Can we answer the natural question: are any of the individuals perpetrating deception in mosques, charities, universities and NGOs, such as Rahman and his confederates, involved in terrorist support networks or sleeper cells?<sup>190</sup> Our interviews with intelligence agents produced no definite answer to this question. Dale Watson, former FBI Assistant Director for Counterterrorism (retired in 2002), believes that there are no functioning sleeper cells but “many

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<sup>185</sup> Schmidt 2003.

<sup>186</sup> Schmidt 2003.

<sup>187</sup> Watson Interview; Pistole Interview; Anonymous 2003: 107-115, 147-149; Emerson 97-103, see also [www.siteinstitute.org](http://www.siteinstitute.org).

<sup>188</sup> Reuven Paz, “The Development of Palestinian Islamic Groups,” in Barry Rubin, ed., *Revolutionaries and Reformers: Contemporary Islamist Movements in the Middle East*, (Albany, N.Y., State University of New York Press), 2003: 25; Anonymous 2003: 290.

<sup>189</sup> Kepel *Jihad*: 51.

<sup>190</sup> The assistance provided by support networks could include a shipping address, ID cards, target-spotting, money laundering, procuring weapons and ammunition or establishing pretexts to enter or stay in a country. Activated sleeper cells carry out attacks.



hundred individuals in support networks.”<sup>191</sup> On the other hand, Larry Mefford, outgoing FBI Assistant Director for Counterterrorism, testified to Congress in June 2003 that sleeper cells existed and that investigations were ongoing in “about 40 states.”<sup>192</sup>

Such conflicting testimony by intelligence agents and the obvious massive effort at deception make it difficult to draw conclusions about the designs, capacity, intentions and commitment of U.S. support networks. We must be careful not to paint with a broad brush and to observe distinctions and nuances. For example, in government material supporting the 555 Grove Street search warrant, PIJ is mentioned 87 times, Hamas 58 times, but al Qaeda is mentioned only six times.<sup>193</sup> The evidence adduced by Rita Katz and Steven Emerson points directly at these Palestinian terrorist organizations but less often and less convincingly at al Qaeda. Does this mean that Palestinian jihadists simply rely more heavily on U.S. fundraising than al Qaeda with its deep Saudi pockets (Of course, Palestinian organizations also receive money from Saudi Arabia)? Does it mean it is easier to transfer funds to Palestine through the U.S.? Or does it mean that members of the support networks favor Palestinian terrorism on the grounds that Palestine is “occupied territory?” An individual who may be willing to support terrorism with cash or speech might never dream of setting off a bomb in the country in which he resides. Dale Watson believes that Islamists get comfortable in the United States and their commitment to direct action softens in the American environment (the reaction of some of the Lackawanna seven supports this conclusion; see Chapter V).<sup>194</sup> Yet there were American Communists and New Leftists perfectly willing to risk their lives for espionage or terrorism.

U.S. national security and immigration policy cannot indulge in speculation. We must ban supporters of terrorism whether they intend to deliver hateful recruitment speeches or suicide bombs. At the same time we must distinguish between promoting religious or other views, however doctrinaire, sectarian, undemocratic or theocratic, and promoting violence. But our constitutional commitment to religious toleration is not a pact with suicide bombers.

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<sup>191</sup> Watson Interview.

<sup>192</sup> Testimony of Larry Mefford, Assistant Secretary for Counterterrorism, Federal Bureau of Investigation, to the Senate Judiciary Committee, June 26 2003.

<sup>193</sup> Kane 2003.

<sup>194</sup> Watson Interview.

## V. Modes of Attack: Hit Squads and Sleeper Cells

One problem with the few published works on immigration and terrorism is that they do not proceed from a concrete analysis of the threat. The Migration Policy Institute's *America's Challenge* is representative insofar as takes the September 11 attacks as the point of departure.<sup>195</sup> But September 11 was conducted under conditions that no longer exist: state havens, training camps, and organizational integrity. September 11 involved the inspired conception of a terrorist genius (Ramzi Yousef in Manila, now imprisoned in the United States), a hit squad (hijackers), sleeper cell (Hamburg cell), training camps (Kandahar training of Hamburg operatives and others) and the help of the al Qaeda leadership (Khalid Sheik Mohammed, who directed the operation, now imprisoned). Moreover, most of the hijackers entered with legal visas whereas our research shows that Islamist terrorism utilizes all means of entry.

Attacks on the West have been carried out largely through two different methods of terrorist operation: the sleeper cell and the hit squad. Sleeper cells are lodged in the immigrant community (such as the Brooklyn cells in the first World Trade Center bombing and the plot to bomb New York City landmarks, the Lyon cell in the 1994-96 attacks on French trains and the "Meliani" cell broken up across Europe in 2000-2001).

The sleeper cell poses a threat from the inside. Sleeper cells could develop from support networks staffed mainly by middle-class professionals and students who run Muslim charities, foundations, academic groups and non-government organizations and who are often linked to mainstream mosques funded by Saudi families. Alienated segments of Muslim immigrant communities such as the Lackawanna group constitute another possible source of sleeper cells. Assimilation has been shown to be a major factor in reducing support for violence among immigrant communities.<sup>196</sup>

Hit squads represent a threat from the outside. They deploy aliens, assembled overseas, who enter the country with a specific mission (the September 11 hijackers) and with legal or

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<sup>195</sup> MPI 2003; the same true of Martin and Martin 2004.

<sup>196</sup> Forthcoming research in Ruud Koopmans, Paul Statham, Marco Giugni and Florence Passy, *Contested Citizenship: The Contentious Politics of Immigration and Ethnic Relations in Germany, Britain, France, the Netherlands, and Switzerland*, n.d. See also Paul Statham and Ruud Koopmans, "Multiculturalism and the Challenge of Muslim Group Demands in Britain, the Netherlands, and Germany," in C. Husband and A. Garrido, eds. *Comparative European Research in Migration, Diversity and Identities*, (Spain: University of Duesto Press/Humanitarian Net), 2004; Paul Statham and Ruud Koopmans, "Multiculturalisme et Conflits Culturels: le défi posé par les revendications des groupes musulmans en Grande-Bretagne et aux Pays-Bas," in Lionel Arnaud ed., *Les minorités ethniques et l'Union européenne. Politiques, mobilisations, identités*, (Rennes: Presses Universitaires de Rennes), 2004.

fraudulent visas. Hit squads also have been used to attack European and North African targets (The cell originally directed to carry out the Millennium bombing on the U.S. West Coast was assembled in Afghanistan; Europeans perpetrated the Djerba, Tunisia synagogue bombing in April 2002).

Al Qaeda cells differ organizationally and operationally depending on their purpose. Some individuals, like the enemy combatant Ali Saleh al Marri, are “sleepers,” familiar with the cultures and languages of the countries they operate in. A Qatari graduate student at Bradley University in Illinois, al Marri is charged with being the contact point for al Qaeda operatives arriving in the U.S. after the 9/11 attacks.<sup>197</sup>

Other individuals, like the members of Ahmed Ressay’s cell, convicted in a plot to bomb targets on the West Coast at the Millennium, infiltrate into a target country relatively shortly before an operation. These individuals communicate with each other only briefly, if at all, before coming together for attack. Ressay’s cell was assembled and trained in Afghanistan in 1998 and directed to infiltrate individually back into Canada. Once they convened in Canada, they would execute the attack.<sup>198</sup>

The cells rarely include al Qaeda members and instead consist of sympathizers and members of affiliated terrorist groups. Because the U.S. offensive has degraded their global capability, al Qaeda has begun to rely on independent but allied terrorist organizations like *Jemaa Islamiyya* in Southeast Asia to carry out the attacks while al Qaeda provides ideological and perhaps logistical or financial support.<sup>199</sup>

This combination of terrorist methods means that our system of immigration safeguards cannot focus exclusively on foreign visitors or landed immigrants. From an operational immigration standpoint, sleeper cells and hit squads challenge opposite ends of the immigration system: landed immigrants (legal residents, refugees, citizens, children of immigrants) and visitors (on visas or illegal entry). Visitors must apply for visas and/or undergo checks at the port of entry (POE). Immigrants within the country may be monitored, but seldom are, by the Bureau of Immigration Control and Enforcement in the Department of Homeland Security (DHS). Resident immigrants and citizens may be monitored by the FBI if there is “reasonable

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<sup>197</sup> Eric Lichtblau, “Bush Declares Student Enemy Combatant,” *The New York Times*, June 24 2003.

<sup>198</sup> Hal Bernton et al, “Chapter 8: Going to Camp,” *The Seattle Times*, June 28 2002.

<sup>199</sup> Rohan Gunaratna, Remarks to the Nixon Center Immigration and National Security Forum, December 1 2003; Michael Elliot et al, “How al Qaeda Got Back on the Attack with new Bases and a Looser Structure,” *Time*, October 28 2002.

indication” of criminal activity.<sup>200</sup> Because we must deter both kinds of attacks, our entire immigration system is implicated.

Broadly speaking, the chief immigration tools for deterring hit squads are intelligence and exclusion: comprehensive and accessible watch lists, a visa process capable of scrutiny and discrimination, and ports of entry with a computerized entry-exit system based on accurate watch lists. But hit squads could strike at the most vulnerable area of our immigration system: the current Visa Waiver Program (see below). Again speaking broadly, the most effective immigration measures against sleeper cells involve, together with intelligence and surveillance, immigrant assimilation and a 21st century program of Americanization and citizenship promotion (see Chapter VIII).

### **Hit Squads**

September 11 actually involved a sleeper cell within a hit squad – the infamous Hamburg cell. It was not by chance that the sleeper cell that formed the cockpit of the September 11 hit squad came from Europe. It is a trend likely to accelerate in coming months and years. From interviews with federal law enforcement officials (especially FBI special agents), U.S. and European authorities on terrorism, and with journalists, a consensus emerges that another mass terrorist attack on the United States would most likely come from outside, probably by means of a hit squad. Another conclusion is that, should there be another terror attack on the United States, it stands a good chance of coming from Western Europe.

As we have noted al Qaeda strives to recruit individuals with access to Western passports. Certain European countries currently offer enormous returns because they bring together radical dissidents from Muslim countries with large militant second-generation immigrant Muslim communities (see Chapters VI & VII).

Since September 11 jihadists have rebuilt and even extended their European operations. The networks strive to recruit individuals with access to Western passports (Chapter VII). Making this situation particularly problematic from an immigration/national security standpoint is the fact that with Western European countries the United States currently has a reciprocal visa waiver agreement (see Chapter VIII).

### **Two “Sleeper Cells”**

In the mid-1990s the Algerian Armed Islamic Group (GIA) employed second-generation Algerian immigrants to attack the Paris metro and rail system.<sup>201</sup> The leader of the French cell

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<sup>200</sup> *Attorney General’s Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations*, (Washington, D.C.: Department of Justice, Office of the Attorney General), 2002.

was Khaled Kelkal. In 1995 French Interior Ministry officials charged Kelkal and his outfit with conducting the wave of bombings and assassinations directed from England by the GIA's Rachid Ramda (see Chapter VI). Featured on 170,000 wanted posters nationwide, Kelkal attained the status of France's Public Enemy No. 1 and its first terrorist folk hero. His life ended at 24 in a three-day manhunt in southeast France, culminating in a gunbattle near a bus stop. The manhunt involved nearly 800 gendarmes as well as paratroopers and helicopter gunships. Millions across France watched as gendarmes kicked at Kelkal's bleeding corpse to make certain he was dead, leading to four nights of rioting as immigrants in the suburbs of Lyon and Paris burned cars, looted shops, smashed windows and stoned police.<sup>202</sup>

According to French intelligence services young people from French suburbs were familiar with but did not report Kelkal's actions.<sup>203</sup> But from Kelkal's body French intelligence agents collected fingerprints linking him to bombs. They also found telephone numbers leading to the identification and arrest of several of his bomber-collaborators.<sup>204</sup>

After the manhunt *Le Monde* ran Kelkal's musings on society, racism, crime and Islam serendipitously recorded five years earlier by a German immigration sociologist. They shed a rare light on the histories, living conditions and views of what could be an emerging generation of home-grown European jihadists.

Kelkal came from Algeria as an infant in the 1970s, the son of Algerian immigrants whose parents were reunited by French immigration policy that dates from the 1960s.<sup>205</sup> That was when France granted political asylum to Algerians who fought on its side in Algeria's war of independence (*"harkis"*) and when industrial France recruited guest workers from North Africa. Reunited, the Kelkal family dwelt in Vaulx-en-Velin, three quarters of whose residents lived in identical bleak five-story public housing units along the barge canal on the western outskirts of Lyon, France's second-largest city. Nearly half of the Vaulx population was, like Kelkal, under

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<sup>201</sup> Personal Interview with Jean Francois Clair, Deputy Director of the Direction du Surveillance du Territoire, Paris, December 12 2002. Hereafter referred to as Clair Interview.

<sup>202</sup> Clair Interview; Amy Barrett, "Youth Riots Spread, Police Probe Bombing Suspect's Killing," *Associated Press*, October 3 1995; "Bomb Explodes, Vehicles Torched In Unrest Over Terrorist's Death," *Associated Press*, October 4 1995; Amy Barrett, "Young Islamic Immigrants Turn to Religion and Violence in France," *Associated Press*, January 2 1996; Kirsty Lang, "French ghettos breed guerrillas for Islam," *Sunday Times* (London), December 8 1996; Kathryn None, "France Fears more Kelkals from the Ghetto," *The Irish Times*, October 4 1995; Milton Viorst, "The Muslims of France," *Foreign Affairs*, September/October, 1996; Janice Valls -Russell, "Islamic Terror in France," *The New Leader*, December 4 1995.

<sup>203</sup> Clair Interview.

<sup>204</sup> Clair Interview; Janice Valls -Russell, "Islamic Terror in France," *The New Leader*, December 4 1995.

<sup>205</sup> Marlise Simon, "Dead Bomb Suspect's Ties Still a Mystery in France," *The New York Times*, October 1 1995, Dietmar Loch, "Boyhood Of A Terror Suspect," *The Guardian* (London), October 11 1995; Daniel Singer, "Battle of Algiers on Paris Metro," *The Nation*, November 6 1995.

24. And for those between 18 and 24 the unemployment rate was 24 percent in 1995, the year of the Kelkal bombings.<sup>206</sup>

In 1990 Kelkal's father lost his job. Kelkal and his siblings turned to burglary, a vocation characteristic of dysfunctional immigrant French families with oblivious or helpless parents. In Kelkal's own words, "Here 70 percent of people are into stealing because their parents cannot afford to buy things when there are six children. When you steal, you feel free."<sup>207</sup> The unemployed children are drawn to gangs, a calling which then buttresses negative images among native French whose reactions in turn feed Muslim feelings of exclusion in a mutually reinforcing downward spiral. Islamism, encountered on the street, in the mosque or at the prison offers deliverance.

From his cellmate, whom he identified as a "Muslim Brother," Kelkal learned Arabic and the Koran and experienced "a great opening of the mind" plus the solidarity of "a group, a tight-knit group."<sup>208</sup> But, out of jail, Kelkal fell off the wagon, and stopped praying and fasting. "Where did I end up? In prison." His aspiration was to leave France and go to Algeria: "I am not at home here."<sup>209</sup> His terrorist cell was modeled on Algerian Islamist guerrillas, planning forays from his hide-out in the hills around Lyon.<sup>210</sup>

When asked where French "racism" against Muslims was leading, he answered: "I think of the United States" (a response that anticipated the kind of anti-Americanism customary in many French Muslim communities today). Islam, he said, gave him "an identity" in a France where otherwise he had "never found (his) place." Inside the mosque, he explained in French slang, "I am neither Arab nor French. I am Muslim. There are no more of these differences between the races."<sup>211</sup>

Also illustrative is the account one of Kelkal's collaborators, Redouane Hammadi, a second-generation immigrant of Moroccan descent, subsequently condemned to death. Unemployed, Hammadi spent his days loitering on the corners of *La Courneuve* on the outskirts of Paris. "Then one day I met Rachid," Hammadi recalled. "He was a true Muslim; he taught us the love of God and then Islamic morality. Afterwards we broke with our old habits. We stopped

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<sup>206</sup> Frank Viviano, "Killing Exposes France's Racial Divide," *The San Francisco Chronicle*, October 27 1995.

<sup>207</sup> Dietmar Loch, "Boyhood Of A Terror Suspect," *The Guardian* (London), October 11 1995; Milton Viorst, "The Muslims of France," *Foreign Affairs*, September/October, 1996.

<sup>208</sup> Kepel, *Jihad*: 310; Dietmar Loch, "Boyhood Of A Terror Suspect," *The Guardian* (London), October 11 1995.

<sup>209</sup> Dietmar Loch, "Boyhood Of A Terror Suspect," *The Guardian* (London), October 11 1995.

<sup>210</sup> Kathryn None, "France Fears more Kelkals from the Ghetto," *The Irish Times*, October 4 1995.

<sup>211</sup> Frank Viviano, "Killing Exposes France's Racial Divide," *The San Francisco Chronicle*, October 27 1995.

smoking and drinking and read religious books. He showed us videos of our Muslim brothers who were being tortured by Serbs and Israelis.”<sup>212</sup>

After several months of tutelage, Hammadi was off to a training camp in Pakistan. Other colleagues went to Bosnia.

### **Lackawanna, New York, USA**

In his January 2003 State of the Union address, President Bush declared “We’ve broken al Qaeda cells in Hamburg, Milan, Madrid, London, Paris, as well as, Buffalo, New York.”<sup>213</sup> The American cell to which the President referred was disrupted in September 2002 in Lackawanna, N.Y., a suburb about five miles south of Buffalo. Eight men, all U.S. citizens of Yemeni descent, were found to have trained in an al Qaeda camp in Afghanistan during the summer of 2001. Six of the men returned to the U.S. and slipped back into their lives until they were uncovered by the FBI, acting on a tip from the local Yemeni community. The men drew volumes of attention from the press as an American sleeper cell and were showcased as clear evidence that an al Qaeda cell was operating on American soil.

But the FBI does not describe the Lackawanna band as a “cell.” A senior FBI official explained that cells have a structure, a mission and delineated tasks, all absent in the Lackawanna case. A more appropriate designation, he suggested, would be “the Lackawanna Group.”<sup>214</sup>

Yemenis came to work in the steel mills of Lackawanna in the 1920s. As the steel mills closed, whites began to leave Lackawanna. Blacks and Hispanics moved into the city, competing with the Yemenis for housing and jobs. The Yemenis live in a “tight knit” community in one section of Lackawanna. In this section, median household income is about \$6,000 below the Lackawanna median. Currently, while Lackawanna’s population is falling, the Arab American component is surging. Much of the community is second- and third-generation immigrants, but a small number still arrives directly from the Middle East.<sup>215</sup>

The so called Lackawanna “cell” was variously described in press reports as “struggling financially,” “all-American,” “law abiding,” “decent, hard-working,” and “family men.”

Mukhtar Al-Bakri is a naturalized U.S. citizen from Yemen. Faysal Galab is a second-generation

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<sup>212</sup> Kristy Lang, “French ghettos breed guerrillas for Islam,” *The Sunday Times* December 8 1996.

<sup>213</sup> Full text available at <http://www.whitehouse.gov/news/releases/2003/01/20030128-19.html>, Accessed 6 January 2004.

<sup>214</sup> Rolince Interview. Michael Rolince has extensive experience in counterterrorism investigations.

<sup>215</sup> Susan Schulman et al, “A Separate World; More Than 1,100 People of Yemeni Descent Live In Lackawanna. Their Culture and Their Faith Set Them Apart from Others in the City – And Co-Existence has had its Rough Edges,” *The Buffalo News* (NY), September 23 2002.

U.S. citizen. Galab had a job selling cars from a gas station, and has two children. Shafal Mosed is a second-generation U.S. citizen. Mosed attended community college, studying computers, and has one child. Sahim Alwan is a second-generation U.S. citizen. He is a graduate of the local community college and has a full time job at a job counseling center. He has three children and served for a time as president of the local mosque. Yahya Goba is a second-generation U.S. citizen. Goba was unemployed since 2000. Yasein Taher is a second-generation U.S. citizen. He was employed by a collection agency and attended community college. He is married to a European-American and has one child. Jaber ElBaneh is a second-generation U.S. citizen.<sup>216</sup>

The media paints a picture of a well integrated group of first- and second-generation immigrants. Jake Tapper at *Salon.com* describes the group as “the cool, assimilated, guys in the community.”<sup>217</sup> The men graduated from Lackawanna High School, where Mosed, Taher, Galab, and possibly others played on the soccer team. Taher was voted “friendliest” by his graduating class. Mosed, Goba, Alwan, Taher, Derwish, and Galab are all registered Democrats.<sup>218</sup>

It appears that the men became more interested in Islam on their own as they matured. The drowning death of a close friend coupled with the men’s marriages and births of their children drew them strongly to their religion.<sup>219</sup> Alwan underwent Islamic training in the U.S. and the U.A.E., but could not afford to continue his studies.<sup>220</sup> This growing interest in Islam bisected perfectly with the purpose of Kamal Derwish, an alleged al Qaeda recruiter.

Derwish was born in Buffalo but moved to Saudi Arabia as a child. In Saudi Arabia his father was killed in a car accident, prompting Derwish to become more devout. In the mid-1990s

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<sup>216</sup> Roya Aziz and Monica Lam, “Profiles: The Lackawanna Cell,” *PBS Frontline*. Available online at [www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html](http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html), accessed December 29 2003; Michael Beebe et al, “Local Suspects Trained at 9/11 Hijackers’ Camp; Lackawanna Men Present as Bin Laden Urged Terror,” *The Buffalo News* (NY), September 15 2002; David Rider, “‘This is Our Country, We Love America’: Fiercely Patriotic Yemeni-Americans in Lackawanna are Stunned that Six of their Own Have Been Labeled an al Qaeda Cell,” *The Ottawa Citizen*, September 22 2002; Susan Schulman et al, “Friends Say Detainees Lived ‘All-American’ Lives,” *Buffalo News* (NY), September 15 2002; Alan Cairns, “They ‘Loved’ U.S.A.; Lackawanna 6 Come From Close-Knit Town,” *The Toronto Sun*, September 19 2002.

<sup>217</sup> Jake Tapper, “Sleeper Cell – or Foolish Pawns?” *Salon.com*, May 19 2003.

<sup>218</sup> Roya Aziz and Monica Lam, “Profiles: The Lackawanna Cell,” *PBS Frontline*. Available online at [www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html](http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html), accessed December 29 2003; David Rider, “‘This is Our Country, We Love America’: Fiercely Patriotic Yemeni-Americans in Lackawanna are Stunned that Six of their Own Have Been Labeled an al Qaeda Cell,” *The Ottawa Citizen*, September 22 2002.

<sup>219</sup> Susan Schulman et al, “A Separate World; More Than 1,100 People of Yemeni Descent Live In Lackawanna. Their Culture and Their Faith Set Them Apart from Others in the City – And Co-Existence has had its Rough Edges,” *The Buffalo News* (NY), September 23 2002; Mark Miller et al, “The Hunt For Sleeper Cells,” *Newsweek*, September 30 2002.

<sup>220</sup> Matthew Purdy and Lowell Bergman, “Where the Trail Led: Between Evidence and Suspicion; Unclear Danger: Inside the Lackawanna Case,” *The New York Times*, October 12 2003. Hereafter referred to as Purdy and Bergman 2003.



Derwish joined the jihad in Bosnia, where he allegedly met Juma al Dosari, a Saudi Arabian.<sup>221</sup> Derwish moved to Yemen, but frequently traveled back to Lackawanna where he usually stayed with relatives.<sup>222</sup> Derwish was viewed as pious and devout in Lackawanna. He wore his beard untrimmed and his long-term residency in the Arabian Peninsula earned him spiritual credentials.<sup>223</sup> According to Alwan his pastoral talks were “very articulate, very impressive.”<sup>224</sup>

Derwish’s ties to the Middle East may also have attracted the Yemeni-Americans searching for an identity. Derwish led prayer groups at the mosque and at the apartment he shared with Goba, particularly catering to youths above 16.<sup>225</sup> Goba has been described as the group’s “spiritual advisor” who cheerfully fell under the influence of Derwish.<sup>226</sup> Goba introduced his friends to Derwish.<sup>227</sup> The group gravitated towards Derwish’s study sessions, where they were introduced to his radical version of Islam. Initially Alwan did not form part of the study groups, possibly because he was an older, established community religious leader viewed as less susceptible to recruitment.<sup>228</sup> In Alwan’s plea agreement he states intriguingly that there was a second group of men from Lackawanna preparing to go to Afghanistan for jihad training, but it is unclear if they actually went.<sup>229</sup>

In April 2001 Derwish invited Juma al Dosari, his Saudi Arabian colleague from Bosnia, to speak at the Lackawanna mosque. Dosari spoke in Arabic even though much of the congregation, second- and third-generation Yemenis, did not speak the language.<sup>230</sup> His angry, aggressive sermon was censured by older members of the mosque, who asked Dosari not to

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<sup>221</sup> Jason Fletch, “‘The Closer’: An Al Qaeda Recruiter in the United States,” *PBS Frontline*, available online at [www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/juma.html](http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/juma.html), accessed December 30 2003.

<sup>222</sup> Lou Michel and Jerry Zremski, “Sought After Al-Qaida Suspect Leaves Traces in Lackawanna,” *The Buffalo News* (NY), September 22 2002.

<sup>223</sup> Ben Dobbin, “Lackawanna Six: Dedicated al-Qaida Acolytes or Small-Town Dupes Led Astray?” *Associated Press*, September 28 2002.

<sup>224</sup> Purdy and Bergman 2003.

<sup>225</sup> Lou Michel and Jerry Zremski, “Sought After Al-Qaida Suspect Leaves Traces in Lackawanna,” *The Buffalo News* (NY), September 22 2002.

<sup>226</sup> Mark Miller et al, “The Hunt For Sleeper Cells,” *Newsweek*, September 30 2002; Matthew Purdy and Lowell Bergman 2003.

<sup>227</sup> U.S v. Yahya Goba et al, Affidavit, U.S. District Court for the Western District of New York, September 13 2002; U.S. v. Yahya Goba et al, Proffer of Proof Synopses Attached To Decision and Order, U.S. District Court for the Western District of New York, October 2002: 16.

<sup>228</sup> Purdy and Bergman 2003.

<sup>229</sup> Sahim Alwan, Plea Agreement, U.S. District Court for the Western District of New York, April 8 2003: 3.

<sup>230</sup> Jason Fletch, “‘The Closer’: An Al Qaeda Recruiter in the United States,” *PBS Frontline*, available online at [www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/juma.html](http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/juma.html), accessed December 30 2003.

return.<sup>231</sup> Dosari never again spoke publicly at the mosque, but he joined Derwish's study group.<sup>232</sup>

Bakri's lawyer describes the group as "young impressionable men recruited by al Qaeda."<sup>233</sup> Defense lawyers characterize the Lackawanna men as "victims of high-pressure recruiters who appealed to their sense of religious duty and adventure in persuading them to attend the camp."<sup>234</sup> The U.S. Attorney in Buffalo, Michael Battle, told *The New York Times*: "There was recruitment, and there was a specific purpose for them [the recruiters] going there [Lackawanna]."<sup>235</sup>

Derwish and Dosari allegedly chided the men for their impiety: "You don't even know the prophets; you won't make it past Judgment Day."<sup>236</sup> A pilgrimage to Mecca would not do; they needed jihad training to save their souls.<sup>237</sup> Taher's lawyer states that his client went to Afghanistan because "he was brainwashed, shamed, and guilted [sic] by Derwish," who preyed upon Taher's "un-Islamic" partying, drinking, and siring of a child out of wedlock with a non-Muslim woman.<sup>238</sup> Al Qaeda expert Rohan Gunaratna notes that it is the practice of al Qaeda recruiters to select a prospect that drinks, chases women, or is otherwise a "bad" Muslim. They persuade him that his only hope of salvation is through al Qaeda. Only after considerable conditioning will the recruiter approach the prey with offers of money, training, or logistical help.<sup>239</sup> An FBI memo describes the methods of Dosari and Derwish in Lackawanna as typical of al Qaeda's recruitment style.<sup>240</sup> Relatives, including Taher's wife, say he turned radically devout under Derwish's influence, insisting that pictures be taken off the wall and no TV or radio be allowed in his house.<sup>241</sup>

To cover their intended trip to Afghanistan group members said they were traveling with *Tablighi Jemaat*. They traveled to Afghanistan via Pakistan in two sections. Mosed, Taher, and

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<sup>231</sup> Dan Herbeck and Lou Michel, "Combating Terror; Angry at Al Qaida Efforts to Radicalize His Faith, A Niagra-On-The-Lake Muslim Leader Joins Those Denouncing Recruiters of Terrorists in the U.S. and Canada," *Buffalo News* (NY), July 2 2003.

<sup>232</sup> Jason Fletch, "'The Closer': An Al Qaeda Recruiter in the United States," *PBS Frontline*, available online at [www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/juma.html](http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/juma.html), accessed December 30 2003.

<sup>233</sup> Tatsha Robertson, "Some Doubt Strength of U.S. Terrorism Cases," *The Boston Globe*, May 27 2003.

<sup>234</sup> "Aftereffects: Buffalo Case; 7th Man Is Accused of Role in Terror Cell With Al Qaeda Link," *The New York Times*, May 22 2003.

<sup>235</sup> Matthew Purdy, "Our Towns: Puzzling Over Motives of the Men in the Lackawanna Qaeda Case," *The New York Times*, 30 March 2003.

<sup>236</sup> Michael Powell, "No Choice But Guilty," *The Washington Post*, July 29 2003.

<sup>237</sup> Michael Powell, "No Choice But Guilty," *The Washington Post*, July 29 2003.

<sup>238</sup> Jake Tapper, "Sleeper Cell - or Foolish Pawns?" *Salon.com*, May 19 2003.

<sup>239</sup> Rohan Gunaratna, "Missionaries of Terror," *The Scotsman*, September 14 2002.

<sup>240</sup> The profile is reproduced at [www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/jumafbi.html](http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/jumafbi.html).

<sup>241</sup> Purdy and Bergman 2003.

Galab were in the first contingent which left in April 2001. Goba, Alwan, ElBaneh, and Al-Bakri left in May 2001. Goba was identified by Al-Bakri as the leader of the second unit. In Pakistan the second group met up with Derwish, who arranged their lodging and travel to Afghanistan. The two sections were reunited at the *al Farooq* training camp in Afghanistan. Derwish stayed in a more advanced camp nearby where he apparently knew some of the instructors, although he continued to meet with the Lackawanna group.<sup>242</sup>

In Pakistan and Afghanistan, the men listened to lectures about the obligation to jihad, justifications for suicide and martyrdom. Their training class was personally addressed by bin Laden and Zawahiri, suggesting the importance of the mission to al Qaeda. They also watched a video of the destruction of the USS Cole and learned how al Qaeda committed the attack.<sup>243</sup> A majority of the trainees seem to have been horrified by what they saw and heard, but as many as three members of the second section (ElBaneh, Goba, and Al-Bakri – but not Alwan) seem to have been drawn to the jihadist culture. The first section (Mosed, Taher, and Galab) together with Alwan appears to have rejected the indoctrination. In effect, while in the *al Farooq* camp the group split into two factions.

Alwan disclosed that in the camp Jaber ElBaneh announced that he envisioned dying as a martyr and was excited to learn about “weapons and stuff like that.”<sup>244</sup> Before ElBaneh left for Afghanistan he had conducted tens of thousands of fraudulent credit card transactions.<sup>245</sup>

Mukhtar Al-Bakri told FBI interrogators that while he was in *al Farooq* he considered himself a member of al Qaeda.<sup>246</sup> Al-Bakri remained at the camp for an extra week of training and maintained email correspondence with Derwish after leaving *al Farooq*.<sup>247</sup> Al-Bakri applied for a new passport when he left the camps, claiming he lost his original passport. According to the FBI Special Agent in Charge Ed Needham, this was a maneuver to conceal evidence of travel to Pakistan.<sup>248</sup>

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<sup>242</sup> U.S. v. Yahya Goba et al, Affidavit of Edward J. Needham, U.S. District Court for the Western District of New York, September 13 2002.

<sup>243</sup> U.S. v. Yahya Goba et al, Affidavit of Edward J. Needham, U.S. District Court for the Western District of New York, September 13 2002; U.S. v. Yahya Goba et al, Proffer of Proof Synopses Attached To Decision and Order, U.S. District Court for the Western District of New York, October 2002:6-7.

<sup>244</sup> Purdy and Bergman 2003.

<sup>245</sup> Purdy and Bergman 2003.

<sup>246</sup> U.S. v. Yahya Goba et al, Affidavit of Edward J. Needham, U.S. District Court for the Western District of New York, September 13 2002; U.S. v. Yahya Goba et al, Proffer of Proof Synopses Attached To Decision and Order, U.S. District Court for the Western District of New York, October 2002: 17.

<sup>247</sup> U.S. v. Yahya Goba et al, Affidavit of Edward J. Needham, U.S. District Court for the Western District of New York, September 13 2002: 9.

<sup>248</sup> U.S. v. Yahya Goba et al, Affidavit of Edward J. Needham, U.S. District Court for the Western District of New York, September 13 2002.

Back in Lackawanna, Goba remained in contact with Derwish via phone and email.<sup>249</sup> Goba returned from Afghanistan the day Dosari returned to Lackawanna, and the two lived together from August until shortly after 9/11.<sup>250</sup> After 9/11 Dosari left for Afghanistan to fight for the Taliban, where he was captured by U.S. forces and interned in Guantanamo.<sup>251</sup>

The second faction was apparently spooked by what they saw in Afghanistan. Alwan left *al Farooq* early after faking an ankle injury.<sup>252</sup> Taher's uncle told *The Ottawa Citizen* that upon returning his nephew told him, "Uncle, I never should have gone," and that the men slept on filthy mattresses and ate dirty food.<sup>253</sup> Alwan told the court, "After realizing the radical mentality of the people at the camp, I decided to leave."<sup>254</sup> Shafal Mosed's uncle said his nephew cut off his beard when he came back and "didn't like the people over there."<sup>255</sup> Mosed's friend said he told him he came back because he missed "pizza, my football, my wife and my son."<sup>256</sup> The imam of the Lackawanna mosque said, "They're not accustomed to hard times.... That's why they came home early from these camps."<sup>257</sup>

When the men, minus Derwish and ElBaneh, returned to Lackawanna in the summer of 2001 they were put under surveillance by the FBI. The FBI had received a letter earlier in the summer from someone in the Lackawanna Yemeni community alerting them to the presence of two al Qaeda recruiters. The letter was unsigned but the sender wrote "I cannot give you my name because I fear for my life." In keeping with the Bureau's pre-9/11 priorities, Special Agent Needham paid little mind to the letter, although he interviewed Alwan. The agent already had established a relationship with Alwan based on the latter's prior assistance to the FBI years before on an unrelated case.<sup>258</sup>

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<sup>249</sup> Roya Aziz and Monica Lam, "Profiles: The Lackawanna Cell," *PBS Frontline*. Available online at [www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html](http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html), accessed December 29 2003.

<sup>250</sup> Purdy and Bergman 2003.

<sup>251</sup> Jake Tapper, "Sleeper Cell – or Foolish Pawns?" *Salon.com*, May 19 2003.

<sup>252</sup> Purdy and Bergman 2003.

<sup>253</sup> David Rider, "'This is Our Country, We Love America': Fiercely Patriotic Yemeni-Americans in Lackawanna are Stunned that Six of their Own Have Been Labeled an al Qaeda Cell," *The Ottawa Citizen*, September 22 2002.

<sup>254</sup> Dan Herbeck and Lou Michel, "Intrigue Surrounds Lackawanna Suspect," *The Buffalo News* (NY), September 27 2002.

<sup>255</sup> Susan Schulman et al, "A Separate World; More Than 1,100 People of Yemeni Descent Live In Lackawanna. Their Culture and Their Faith Set Them Apart from Others in the City – And Co-Existence has had its Rough Edges," *The Buffalo News* (NY), September 23 2002.

<sup>256</sup> Susan Schulman et al, "A Separate World; More Than 1,100 People of Yemeni Descent Live In Lackawanna. Their Culture and Their Faith Set Them Apart from Others in the City – And Co-Existence has had its Rough Edges," *The Buffalo News* (NY), September 23 2002.

<sup>257</sup> Dan Herbeck and Lou Michel, "Intrigue Surrounds Lackawanna Suspect," *The Buffalo News* (NY), September 27 2002.

<sup>258</sup> Purdy and Bergman 2003.

After September 11 the Bureau undertook surveillance of the Lackawanna group but found nothing with which to charge the men. When Derwish was identified and al Dosari captured, electronic monitoring was intensified. The FBI logged calls from Derwish to members of the group in which Derwish asked the status of the men.<sup>259</sup> John Walker Lindh, who trained at *al Farooq* immediately after the Lackawanna group, told government investigators he heard talk of a group from Buffalo.<sup>260</sup> Agents intercepted an email sent from Al-Bakri, then in Bahrain for his wedding, which they interpreted as warning of an impending attack.<sup>261</sup>

With the first anniversary of September 11 approaching Al-Bakri was arrested in Bahrain, UAE where he told an FBI interrogator the names of his compatriots in the camp. In Lackawanna the FBI arrested the remainder of the group and, confronted with Al-Bakri's statement, Alwan confessed to being in the camp.<sup>262</sup>

The men initially pled not guilty to the charge of providing material support to a terrorist organization, even though Alwan and Al-Bakri admitted attending the camp. Galab pled guilty to providing material support to a terrorist organization in January 2003 and agreed to testify against the others. Goba and Mosed pled guilty to material support of terrorism; Alwan, al-Bakri and Taher pled guilty to providing material support to a terrorist organization. Kamal Derwish was killed by a CIA air strike in Yemen in November 2002.<sup>263</sup> Jaber ElBaneh was arrested in Yemen in January 2004.<sup>264</sup>

Government officials appear to think the group was designated for a support or logistical role rather than an attack. An FBI agent in the Buffalo office says the men “[took] actions that were continuing to support al Qaeda” upon their return from the camps.<sup>265</sup> Unnamed officials assert that Derwish may have planned for the cell to assist hit squads arriving in the U.S.<sup>266</sup>

Lackawanna appears to be an attempt by al Qaeda to establish an American sleeper cell. Whether this is one of many such undertakings, we cannot know. But its failure suggests some of

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<sup>259</sup> Purdy and Bergman 2003.

<sup>260</sup> Jake Tapper, “Sleeper Cell – or Foolish Pawns?” *Salon.com*, May 19 2003.

<sup>261</sup> U.S. v. Yahya Goba et al, Affidavit of Edward J. Needham, U.S. District Court for the Western District of New York, September 13 2002; U.S. v. Yahya Goba et al, Proffer of Proof Synopses Attached To Decision and Order, U.S. District Court for the Western District of New York, October 2002: 58-59.

<sup>262</sup> Purdy and Bergman 2003.

<sup>263</sup> “Yemen Hunting Man Who Fled Before CIA Hit,” *Los Angeles Times*, November 20 2002.

<sup>264</sup> “Suspect Arrested in Terror Cell Case,” *Reuters*, January 30 2004.

<sup>265</sup> “Aftereffects: Buffalo Case; 7th Man Is Accused of Role in Terror Cell With Al Qaeda Link,” *The New York Times*, May 22 2003.

<sup>266</sup> Lou Michel and Jerry Zremski, “Sought-After Al Qaida Suspect Leaves Traces in Lackawanna,” *Buffalo News* (NY), September 22 2002.

the difficulties al Qaeda could face in such an endeavor as well as some of the larger differences between American and European Muslim communities.

Unlike the French companions of Kelkal the Lackawanna men were not unemployed, desperate youth but fairly well adjusted. Their assimilation into American society appears to contribute to a majority of the group's rejection of al Qaeda's efforts convert them into terrorists ready to attack their own country. Their community was not fundamentalist and alienated – as was Kelkal's neighbors and colleagues. They rejected the radical imam Juma al Dosari and prevented further proselytizing. Far from furthering the terrorist project, members of the community went to the authorities and exposed it. Far from becoming community heroes like Kelkal, they were rejected and reported.

The Lackawanna group, when compared with the Kelkal cell, seems to reflect a more prosperous, less alienated, more assimilated Muslim immigration population, even bearing in mind that the Lackawanna Yemenis were probably worse off than most American Muslims. We should not leap to the conclusion that sleeper cells are unlikely among American Muslims. It only takes a few to compose a cell. There may be many candidates for martyrdom in other communities or in Islamic support networks. But the large alienated Muslim communities of Europe would appear a more fertile field than America for al Qaeda. All the more basis for supposing that the next 9/11, like the first, is more likely to come from the outside, and that outside may again be Europe. If so, as in the case of 9/11, what originates as a European sleeper cell could become a hit squad on American shores.

## VI. Jihad and Immigration in Western Europe

These contrasts between the American and French sleeper cells point to larger differences between Muslim immigration and integration in Western Europe and the United States.

At first glance the two regions appear to face much the same immigration predicament. Both have been the recipient of continuous mass immigration from developing countries for two generations. Immigration has been viewed as an economic expedient, but it has taxed the transportation, housing, education and social infrastructure and produced a crisis of the immigrant second generation (see below). Yet in Europe that crisis is far deeper, even approaching a revolt.

And there are other differences, rather to be expected, between immigration in the United States, a settler country, “a country of immigration” and Western Europe where immigration is generally a recent phenomenon occurring in smaller geographical units. Partly for that reason immigration in Europe has become a national issue in a way and to a degree that has yet to happen in the United States. In many Western European countries immigration has become a direct object of national policy and an electoral issue. Several recent European elections (in Austria, Denmark, France, Germany, Holland, and Italy, for example) demonstrated increased backing for anti-immigration parties. The latter often attracted support by denouncing asylum shopping, arguing that multicultural policies had failed and insisting that immigrants learn the native language. The elections persuaded several mainstream parties to support more restrictive legislation, especially regarding refugees. Options vary: in France government officials have sought to enlist the help of moderate Islam to curb crime, particularly in areas with high populations of Arab immigrants. In Holland, the government contemplates how it can school imams in “Dutch values.” In the United States, where the immigration “cultural idiom” (immigration discourse and policy) is very different, to present the issue as it is commonly presented in Europe would be to court charges of racism.<sup>267</sup> In Europe, where immigration carries far less cultural legitimacy and where assimilation has largely failed, immigration has routinely been linked in public discourse and election campaigns with crime (or *insecurité*), social cohesion and terrorism. In the U.S. immigration has been presented in public discourse mainly in economic terms (“matching willing foreign workers with willing American

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<sup>267</sup> On cultural idiom see Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, (Cambridge MA, Harvard University Press), 1992: 16-17; see also Christian Joppke, *Immigration and the Nation-State: the United States, Germany and Great Britain*, (Oxford: Oxford University Press), 1999.

employers” in President George W. Bush’s phrase). If September 11 opened a crack in that uneasy consensus and brought immigration, the new third rail of American politics, closer to contention, we are still very far from what prevails in European national politics.

But for our purposes what most sharply distinguishes European from American immigration is the *provenance* of the former’s problematic newcomers. Yes, for two generations adjacent ex-colonial regions have been sending migrants to the West, but in the European case those developing countries are most often Muslim whereas the United States is bounded by Latin America, the one major region without a strong Islamic presence. America’s “problem” immigrants are mainly Latinos who actually present high rates of military enlistment and other indices of identification with the host country.<sup>268</sup> America’s immigration problem is not one of loyalty.

Moreover, European Muslims tend to be indigent and to live in enclaves unlike their American counterparts. Those conditions often reflect the circumstances of migration. European Muslim immigration derives from guest worker programs designed to fill factory jobs in the “miracle” era of the 1950s and 1960s. As Peter Skerry writes: “Typically, these workers came from backgrounds with little education or sophistication – not unlike the Mexicans who continue to arrive in the United States.”<sup>269</sup> Reunited with their families in the 1970s, European Muslims typically live in *banlieues* (outer “inner cities”). American Muslims “began to arrive primarily as college and university students” and likewise “bear the marks of their initial circumstances,” tending to be educated professional or business people “far more affluent than their co-religionists in Europe.”<sup>270</sup>

We must be cautious in drawing from these contrasting pictures conclusions about potential terrorism. Though the Kelkal bombings were conducted by *lumpen*, Islamists and terrorists often come from the relatively well-educated “devout middle class.” And, as we noted, support networks among professional classes rather than immigrant working class communities are the likeliest *loci* for sleeper cells in the United States.

Though the U.S. census does not chart Muslims, most demographers believe that the U.S. Muslim population does not exceed 3 million, less than 2 percent of the population.<sup>271</sup> In France that population reaches 7-10 percent (news reports suggest 5-7 million Muslims reside in

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<sup>268</sup> Simon Romero and Janet Elder, “Hispanics in U.S. Report Optimism,” *The New York Times*, August 6 2003.

<sup>269</sup> Peter Skerry, “Political Islam in the United States and Europe,” in Dick Clark, ed., *Political Islam: Challenges for U.S. Policy*, (Washington, D.C.: The Aspen Institute), 2003:40. Hereafter referred to as Skerry 2003.

<sup>270</sup> Skerry 2003: 41.

<sup>271</sup> Hillel Fradkin and Peter Skerry, remarks to the Nixon Center Immigration and National Security Forum, February 25 2004.



France), the Netherlands 4.4 percent, Germany 3.7 percent (news reports suggest 3-5 million Muslims reside in Germany), and Belgium 3.7 percent.<sup>272</sup> The UK number is 2.7 percent or about 2 million, but radical fundamentalism prevails in many British mosques and communities.<sup>273</sup> Muslims form the majority of immigrants in most Western European countries, including Belgium, France, Holland and Germany or the largest single component as in the UK. Moreover, while America's Muslims are diffused geographically and are fragmented ethnically, European Muslims tend to congregate in enclaves or even ghettos.

In this chapter we shall examine and compare with the United States the immigration and security situations in the three largest of the Western European countries: Britain, France and Germany.

### **Outsiders and Insiders**

Scores of Muslim aliens or first-generation immigrants have been arrested in Western Europe since September 11, but extremist fundamentalists in high numbers just as likely derive from the alienated, unemployed and unassimilated second generation citizens.<sup>274</sup> Thus Europe has two sorts of candidate Muslim terrorists. We might call them outsiders and insiders. The former, the "outsiders," are the aliens, foreign dissidents, typically students or asylum seekers, some of whom have sought refuge from anti-Islamic crackdowns in the Middle East. The "insiders" are citizens from the downwardly mobile second generation, often victims of discrimination.

"Outsiders" may be revolutionaries fleeing repression and setting up shop as propagandists and recruiters in liberal Europe. They may be students, typically engineering students, who become born-again Muslims in Europe – as a reaction to Westernization.<sup>275</sup>

Mohammed Atta and the British suicide bombers are both examples of this type but also Khalid

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<sup>272</sup> Estimates given by the French fluctuate, for instance, the *Washington Times* reports "Interior Minister Nicolas Sarkozy spoke of 'between 5 [million] and 6 million' Muslims; the right-wing and xenophobic National Front – which wants to get rid of them – mentioned 8 million, and a document by the government Secretariat of Relations with Islam used the figure of 4.2 million." Andrew Borowiec, "A religious symbol of secular conflict; Muslim headscarves spur French national debate," *The Washington Times*, January 11 2004.

<sup>273</sup> For approximate percentages of population see *The World Factbook*, (Washington, D.C.: Central Intelligence Agency), 2003. (Field Listings: Religion) available online at <http://www.cia.gov/cia/publications/factbook/fields/2122.html>, accessed February 10 2004. Specific accounting of the Muslim population is usually not possible, however. Religious identity, by law, cannot be employed in French census data or government documents. Accurate sampling is further frustrated by the fact that national origin, frequently employed to determine the extent of Muslim immigration, cannot account for the degree of Islamic observance among those sociologically identified as Muslim. German figures are more conclusive. "Islam in France and Germany," *CSIS Euro-Forum*, March 6, 1999. Available online at <http://www.csis.org/europe/frm990412.html>, accessed February 10 2004.

<sup>274</sup> Figures of these arrests are very difficult to obtain, but *The Economist* reports that between 9/11/2001 and 01/31/2003 "more than 200 Muslim terrorist suspects have been arrested in Europe," *The Economist*, "Tackling a Hydra," February 1 2003. Our Matrix shows 63 arrested in Europe since 9/11.

<sup>275</sup> Roy 2003.

Sheikh Mohammed, who was educated in North Carolina. They recall the alienated intellectual who staffed the higher reaches of the Communist and New Left movements in the West.

But in Europe this social type is joined by another, far more numerous: the unemployed, alienated *lumpen* who inhabit the *banlieues* of Paris and Marseilles, who have been the object of recruitment efforts in the Netherlands, and exist in important numbers in Spain.<sup>276</sup> Jihad recruiters also operate “in makeshift prayer halls in Brussels, Islamic bookstores in ‘Londonistan,’ smoky coffeehouses in Amsterdam, prisons in Milan.”<sup>277</sup> Typically these candidates subsist on the fringes of organized crime, frequently in gangs, often ending up in prisons where, like Kelkal, they may encounter Islamist recruiters. They are the latest and most dangerous version of the “revolt of the second generation” (Michael Piore): jobless, alienated immigrant youth, dramatic examples of “downward” or “adversarial” assimilation.<sup>278</sup>

### **Immigration and Security**

We cannot look at terrorist potential simply by focusing on the character of the immigrant population in abstraction from the security regime prevailing in each country. Both Britain and France host Muslim populations with alienated and radical contingents. But French security is far stricter, operating with options not available in U.S., Britain or Germany with their robust constitutional protections. Germany produced the Hamburg cell because Islamist students could enjoy the loose academic standards prevailing in its universities and a laid-back legal culture. The United States hosts a network of Islamist propaganda and fundraising organizations, and an FBI which, in the best of cases, is transitioning to counterterrorism. The U.S. remains the terrorists’ preferred target. Since September 11 al Qaeda has increased its efforts to recruit Europeans – efforts reportedly enhanced by the U.S. intervention in Iraq.<sup>279</sup>

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<sup>276</sup> Dutch police have arrested about 20 suspected Al Qaeda recruiters in the last year for crimes such as immigration offenses or document forgery, according to a Dutch official. See Sebastian Rotella, “Extremists Find Fertile Soil in Europe,” *Los Angeles Times*, March 2 2003; See also General Intelligence and Security Service, *Recruitment for the jihad in the Netherlands: from incident to trend* (The Hague: Ministry of the Interior and Kingdom Relations), December 2002.

<sup>277</sup> Sebastian Rotella, “Extremists Find Fertile Soil in Europe,” *Los Angeles Times*, March 2 2003; Burke 2003: 246-247.

<sup>278</sup> On the concept of downward or segmented assimilation see Alejandro Portes and Min Zhou, “The New Second Generation: Segmented Assimilation and its Variants,” *Annals of American Academy of Political and Social Sciences*, November 1993; Alejandro Portes et al. *The New Second Generation*, (New York: Russell Sage Foundation), 1996. For European Muslim examples see Riva Kastoryano, *La France, l’Allemagne et leurs immigrés*, (Paris: Armand Collin), 1996: 133-58; Remy Leveau, “The Political Culture of the ‘Beurs,” in Steven Vertovec and Ceri Peach, eds., *Islam in Europe*, (New York: Plagrave MacMillan), 1997 and Herbert Gans, “The Second Generation Decline: Scenarios for the Economic and Ethnic Futures of Post-1965 American Immigrants,” *Ethnic and Racial Studies*, April 1992.

<sup>279</sup> Interview with Herman Wegesin, Director, Brandenburg State Commission for the Protection of the Constitution (*Landverfassungsschutz*), Potsdam, Germany, April 3 2003. Hereafter referred to as Wegesin Interview; Clair Interview; Personal Interview with Gunter Krause, Ministry of the Interior (Innesministerium) Berlin, April 12 2003.

The April 2003 suicide bombing in Tel Aviv was carried out by a second-generation Muslim immigrant who had been radicalized at an elite London university. A second, would be suicide bomber of the same background planned a similar attack but his explosives failed to detonate. These two typify the alienated extremist who becomes a “born-again Muslim” in Europe.<sup>280</sup> Euro-Islamicist groupings often blend middle class captains with jobless *lumpen* troops – again somewhat reminiscent of the American New Left: white students and black panthers.<sup>281</sup> The September 11 hit squad was another such mix – Westernized student pilots from the Hamburg sleeper cell and musclemen from Saudi tribal areas.

The relationship between immigration and security in our Western European examples is anything but straightforward. Visiting students were the “immigrants” who led the September 11 attack from Hamburg, Germany. Three-quarters of Germany’s Muslim population is Turkish, but no Turks militated in the cell, now thought to have comprised as many as several dozen men.<sup>282</sup> On the contrary, it was Turkish intelligence that supplied a lead which led to surveillance of the cell’s patron and the identification of its members before the case went cold. German Muslim immigrants are often segregated from the native population by language, residence, culture, social pressure and law, and radical Muslim fundamentalists attracted scant supervision by German intelligence services. But the hijackers themselves lived in plain and rather noisy sight, frequented radical fundamentalist mosques, social events and study groups. Yet, as Rainer Münz, the German immigration scholar facetiously remarked, “to us they seemed ideal guests. They were not studying French structuralism but structural engineering. They were Silicon Valley boys.”<sup>283</sup>

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Hereafter referred to as Krause Interview; Sebastian Rotella, “Extremists Find Fertile Soil in Europe,” *Los Angeles Times*, March 2 2003; Don Van Natta Jr. and Desmond Butler, “Anger on Iraq Seen as New Qaeda Recruiting Tool,” *The New York Times*, March 16 2003.

<sup>280</sup> Daniel McGrory, et al. “Was Failed Suicide Bomber Killed By His Own Side?” *The Times* (London), May 20 2003; Nick Britten et al, “What turned two happy teenagers into hate-driven suicide bombers?” *The Daily Telegraph* (UK), May 2 2003; Nick Britten et al, “Al Muhajiroun under scrutiny,” *The Daily Telegraph* (UK), May 2 2003; Vikram Dodd et al, “Polite and caring sons who turned to terror,” *The Guardian* (UK), May 2 2003; David Bamber et al, “MI5 admits: we let suicide bombers slip through net,” *The Sunday Telegraph* (UK), May 4 2003; Nick Fielding, “Passport to terror,” *Sunday Times* (UK), May 4 2003; Molly Moore and Glenn Frankel, “Israel Fears More Suicide Attacks by Foreign Visitors,” *The Washington Post*, May 10 2003; Sarah Lyall, “What Drove 2 Britons to Bomb a Club in Tel Aviv?” *The New York Times*, May 12 2003.

<sup>281</sup> Roy 2003; Kepel 2002; Gilles Kepel, *Allah in the West*, (Stanford, CA: Stanford University Press), 1997.

<sup>282</sup> Dirk Laabs, “Man Convicted of Role in 9/11 Terror,” *Los Angeles Times*, February 20 2003; Terry McDermott, “How Terrorists Hatched a Simple Plan to Use Planes as Bombs,” *The Los Angeles Times*, September 1 2002; Personal interview with Udo Steinbach, Director Deutsches Orient-Institut, Hamburg, March 27 2003. Hereafter referred to as Steinbach Interview.

<sup>283</sup> Personal Interview with Rainer Münz, Humboldt University, Berlin, December 16 2002. Hereafter referred to as Münz interview.

Foreign students from Germany were not the only ones to travel to the United States with terrorist designs. The erroneously-labeled “20th hijacker,” Zacarias Moussaoui, is a French citizen of Moroccan descent.<sup>284</sup> Richard Reid, the “shoe bomber,” was the son of a Jamaican father and an English mother who, like his father, converted to Islam in prison.<sup>285</sup> Likewise many second- or third-generation European immigrants of Middle Eastern descent were picked up in European sweeps while others are lodged in Guantanamo Bay. Muslim immigrant communities in Belgium, Italy, Spain and the Netherlands as well as in England have been identified as recruiting grounds for Muslim terrorists.<sup>286</sup> A *New York Times* report summarized: “Western Europe is home to about 15 million Muslim immigrants and while a vast majority are peaceful citizens opposed to terrorism, their presence provides a recruiting ground and a cover for sleeper cells.”<sup>287</sup>

Thus, it is no geographical fluke that the sleeper cell that formed the cockpit of the September 11 hit squad came from Europe. It may have set a trend likely to deepen in coming months and years. Should there be a next mass terror attack on the United States, it stands a good chance of coming from Western Europe.

Let us now focus on the circumstances of Islamic populations and the immigration cum security situations prevailing in Britain, Germany and France.

### **Britain**

Six months after 9/11 *The Washington Post* reported that “for many young Muslims” today in Britain “fundamentalist ideology is mainstream ideology.”<sup>288</sup> Fundamentalism and Islamism flourish thanks to the explosive combination of the alienation of much of the country’s large

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<sup>284</sup> The deputy director of the French *Direction de la surveillance du territoire* says his organization provided information about Moussaoui’s extensive terrorist connections to U.S. officials in August 2001. Clair Interview According to a published report French intelligence informed the Americans about Moussaoui’s al Qaeda ties on September 1 and again in a bilateral meeting of intelligence agents in Paris on September 5-6. According to one account of that meeting US participants said Mr. Moussaoui’s case was in the hands of the immigration authorities and was not a matter for the FBI, Andrew Gumbel et al, “The ‘20th Hijacker’ Had Been A Suspect For Years – But He Was Ignored By Intelligence Agencies,” *The Independent* (London), December 11 2001.

<sup>285</sup> Fox Butterfield, “Qaeda Man Pleads Guilty to Flying With Shoe Bomb,” *The New York Times*, October 5 2002; Paul Gilroy, “Diving into the tunnel: the politics of race between old and new worlds,” *OpenDemocracy Ltd* January 31, 2002.

<sup>286</sup> “Belgium Is a Recruiting Ground for Islam Radicals, Study Finds,” *Reuters*, May 30 2002; General Intelligence and Security Service, *Recruitment for the Jihad in the Netherlands: from Incident to Trend*, (The Hague: Ministry of the Interior and Kingdom Relations), December 2002; Amy Waldman, “A Nation Challenged: Muslims: How in a Little English Town Jihad Found Young Converts,” *New York Times*, April 24 2002; Don Van Natta Jr. and Desmond Butler, “Anger on Iraq Seen as New Qaeda Recruiting Tool,” *The New York Times*, March 16 2003; Personal Interview with Ernst Urlau, Ministerialdirector Bundesnachrichtendienst, Koordinierung der Nachrichtendienste des Bundes, Germany, May 28 2003. Hereafter referred to as Urlau Interview; Clair Interview.

<sup>287</sup> James Risen And David Johnston, “Split at CIA and FBI on Iraqi Ties to Al Qaeda,” *The New York Times*, February 2 2003.

<sup>288</sup> Sharon Waxman, “Using free speech to advance the jihad,” *The Washington Post*, March 15 2002.

Muslim minority, mainly of Pakistani, Bangladeshi and Indian origin, and the many Muslim militants granted asylum by Britain in the past decade. Led by activists forced underground by crackdowns against Islamist militancy in the Middle East, “the Muslim communities of Great Britain have become open distribution hubs for the revolutionary message of jihad.”<sup>289</sup>

### **Insiders**

Pakistani migration to England dates back to post-war efforts to preserve British textile mills in the north and the midlands by means of low wage Commonwealth labor. Via the recourse of family reunification policies, much like those that benefited Turks in Germany, North Africans in France and Mexicans in the United States, a West Asian community took root in England.<sup>290</sup> Europe thought to import the cheap labor of the Third World but not its violent conflicts. But as do North Africans in France, and to a lesser extent Turks in Germany, many members of the second and third generations experience alienation thanks to social discrimination and poor job opportunities, leading some to find fundamentalist ideology attractive, a fundamentalism “born again” in Europe. In Leicester young second-generation Muslims turned toward fundamentalism “because they need an identity, and the faith gives them that,” according to a research fellow at the Islamic Foundation in Leicester.<sup>291</sup> Farther north in the town of Oldham, the scene of one of Britain’s worst race riots in recent history in 2001, 12 percent of the town’s 220,000 inhabitants are Muslim, unemployment reaches 20 percent among Muslim youth and the Salafist mosque is burgeoning. The old industrial cities of Bradford, Birmingham and Manchester also sport major Salafist movements among their large West Asian populations. Sectors of these centers were galvanized, radicalized and organized nationally during the Salman Rushdie affair in 1989.

Meanwhile the 1989 Soviet withdrawal from Afghanistan paved the way to the infusion of jihadism into England. Afghan Arabs, rebuffed at home, turned to Britain, which has welcomed foreign dissidents at least as far back as Garibaldi. Many under sentences in their native countries for terrorist crimes obtained asylum in Britain. They often disappeared into established Muslim communities while the immigration authorities considered their claims.

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<sup>289</sup> Sharon Waxman, “Using free speech to advance the jihad,” *The Washington Post*, March 15 2002. A survey of British Muslims published in the Daily Telegraph in December 2002 found that 85 percent of those polled thought there was no justification for September 11, but 15 percent refused to condemn the attacks. Thirteen percent found Osama bin Laden justified in attacking Western targets, 11 percent had no opinion and 26 percent denied that he had undertaken any such action. Three-quarters felt very or fairly loyal to Britain, but the remainder acknowledged little or no loyalty or was uncertain.

<sup>290</sup> These policies were not all alike: the British were the strictest; see Christian Joppke, *Immigration and the Nation-State: the United States, Germany and Great Britain*, (Oxford: Oxford University Press), 1999: 114 ff. Hereafter referred to as Joppke 1999.

<sup>291</sup> Assif Shameen, “Secrets of the Mosque; A Rare Look Inside the religious centers that have made Britain a hotbed of radical Islamic agitation,” *Time International*, May 6 2002.

Procuring a British passport or travel papers via a successful claim would be an added bonus. Meanwhile they circulated videos featuring attacks in Algeria or elsewhere. Dozens of extremist newsletters and a library of books justifying holy war appeared, and at mosques fundamentalist fundraising became routine.<sup>292</sup>

Statutes designed to promote religious toleration ironically appear to have sanctioned the current level of hate speech often found in British mosques today. According to Zaki Badawi, the dean of the Muslim College in London, the majority of imams in the UK are now imported from tribal regions of South Asia (Pakistan, Afghanistan and Bangladesh). They do not know English or England and their training usually consisting of a mastery of the Qu'ran in a religious school or *madrassa* funded by Saudi Arabia.<sup>293</sup> British immigration guidelines allow a community which cannot find "a minister of religion" in the country to import one from abroad. Thus these imams easily obtain "entry clearance" and apply to extend their stay.<sup>294</sup> Their cultural background makes them particularly susceptible to fundamentalist interpretations of Islam. In England Islamist sects openly recruited for the Taliban, reportedly enjoying most success in villages and small towns.<sup>295</sup>

The infection is not contained within British shores. Once admitted to a European Union country, individuals may freely enter other EU countries. German officials complain that radical imams from Britain minister in German mosques. They suspect them of carrying messages for al Qaeda.<sup>296</sup>

### Outsiders

Dissidents from abroad have taken over a number of British mosques, the best-known being the Finsbury Park Mosque with its telegenic one-eyed, claw-handed imam. It is worth pausing to examine this mosque, its star performer and his audience.

The North London Central Mosque in Finsbury Park was the inspiration of the Prince of Wales and other British aristocrats. The Prince approached King Fahd of Saudi Arabia who donated well over £1.3 million to construct the four floors of prayer halls in a modern red brick

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<sup>292</sup> Jason Burke, "All eyes on Britain as terror war accelerates," *The Observer* (UK), January 26 2003; Sharon Waxman, "Using free speech to advance the jihad," *The Washington Post*, March 15 2002.

<sup>293</sup> Badawi Interview

<sup>294</sup> Immigration Directorates' Instructions HC395 (chap. 5 section 6) "provide for the admission of ministers of religion, missionaries and members of religious orders coming to work full-time as such." "Full-time religious workers" are allowed to enter, so long as they can support and accommodate themselves, without help from public funds or other work. Permission to stay is granted for, and only for, the exercise of religious activities.

<sup>295</sup> Amy Waldman, "A Nation Challenged: Muslims: How in a Little English Town Jihad Found Young Converts," *The New York Times*, April 24 2002.

<sup>296</sup> Wegesin Interview, Urlau Interview; Personal Interview with Klaus Dieter Frisch, Bundesamt für Verfassungsschutz, May 27 2003. Hereafter referred to as Frisch Interview.

building in a largely Bangladeshi community. One of the original trustees recounted that what was conceived as a genteel, cosmopolitan center of study was converted into a haven for terrorist suspects by violent extremists. The original trustee and others attempting to resist the takeover were attacked by militant gangs who barred them their entrance.

Enter Abu Hamza al-Masri, a former engineering student and nightclub bouncer. Hamza presented himself as a mediator during a 1996 contractual dispute between the board trustees and a militant management committee. In return for resolving the conflict Hamza secured a letter from the trustees allowing him to preach in the mosque.

Abu Hamza hardly fits Dr. Badawi's prototype of the backwoods preacher. He arrived in Britain from his native Egypt in 1983 to study engineering. Engineering students appear to be another Islamist "ideal type."<sup>297</sup> He delivered his carefully chosen words softly, with a disarming sense of humor.

But intelligence agencies claim he carries a big stick.<sup>298</sup> In April, 2002, after the U.S. listed him as having alleged links to terrorism, Britain froze his funds, as did Japan. The U.S. accused Hamza of membership in the Islamic Army of Aden, the group that claimed responsibility for the bombing of the USS Cole in Yemen. By his own admission he had "a long association with the Taliban government."<sup>299</sup> He claims to have lost his hands and eye in one holy war against the Soviets in Afghanistan and sent his teenage son and stepson to another in Yemen. He urged his congregation to do the same, arguing "there is a special reward for those who go out to fight, and there is a special place for them in heaven and a lower place for those who receive no hurt and sit at home."<sup>300</sup>

The original trustee said it swiftly became apparent that Hamza was using the mosque to preach his own radical views. When asked to leave, he refused, backed by a troop of henchmen who told the trustees it was they who must leave. One trustee was assaulted by a masked gang

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<sup>297</sup> Roy *Failure*: 50.

<sup>298</sup> Assif Shameen, "Secrets of the Mosque; A Rare Look Inside the religious centers that have made Britain a hotbed of radical Islamic agitation," *Time International*, May 6 2002; Sean O'Neill, "Mosque has been source of concern over terrorism since 1996," *The Daily Telegraph* (London), January 21 2003; Faisal Bodi, "Like Catholics during the Troubles, British Muslims are being persecuted in the name of security," *The Guardian* (London), January 21 2003.

<sup>299</sup> Abu Hamza Al-Masri, "My Prayers Are with the Taliban," *Time International*, May 6 2002.

<sup>300</sup> Assif Shameen, "Secrets of the Mosque; A Rare Look Inside the religious centers that have made Britain a hotbed of radical Islamic agitation," *Time International*, May 6 2002; Sean O'Neill, "Mosque has been source of concern over terrorism since 1996," *The Daily Telegraph* (London), January 21 2003; Faisal Bodi, "Like Catholics during the Troubles, British Muslims are being persecuted in the name of security," *The Guardian* (London), January 21 2003.

near his home. In October 1998 the board of trustees appealed unsuccessfully to the High Court to stop Abu Hamza from preaching.

That same year worshippers began noticing groups of young men staying overnight at the mosque. Many were Algerians recruited by Djamel Beghal, an Algerian computer expert, whom Osama bin Laden had assigned the task of setting up cells in Europe. Beghal had arrived from France in 1997 and eventually would be arrested in Dubai, en route from Afghanistan to France in July 2001 for alleged involvement in a plot to blow up the American embassy in Paris. His capture was a breakthrough in the French campaign against terrorism.<sup>301</sup>

Like Hamza, Beghal was an engaging figure. He circulated among the drifters and asylum-seekers steered towards Finsbury Park by other militants, inviting them to linger after Friday prayers and join “study groups.” By the spring of 1998 Beghal had three would-be suicide bombers staying with him in the mosque. One was Richard Reid, the South London petty thief who achieved notoriety as “the shoe bomber.” Another was a Tunisian, Nizar Trabelsi, a former professional soccer player in Germany whose career was aborted by drug use, and who was assigned to drive a truck loaded with explosives into the U.S. embassy in Paris.<sup>302</sup> A third was Zacarias Moussaoui, whose brother Abu Samad blames the Finsbury Park mosque for his brother’s radicalization.<sup>303</sup>

Other members of the all-star team of terrorists attending the Finsbury Park mosque and learning from Hamza’s sermons were:

- Ahmed Ressay, arrested attempting to bomb the Los Angeles airport at the Millennium.
- Anas al-Liby, now on the FBI’s most wanted list and in whose Manchester flat police found al-Qaeda’s terror manual in 1995.
- Abu Doha, known as “the Doctor” and wanted in the US and France for plotting bombings.
- Several of the eight Britons held in Guantanamo Bay, such as the computer student Feroz Abassi, who say they were first recruited for weapons training in this back-street mosque

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<sup>301</sup> Clair Interview; Chris Hedges, “A Powerful Combatant in France’s War on Terror,” *The New York Times*, November 24 2001.

<sup>302</sup> “Footballer Jailed at Terror Trial,” *CNN.com*, September 30 2003. Available online at [www.cnn.com](http://www.cnn.com), accessed September 30 2003.

<sup>303</sup> Daniel McGrory, “A haven for faithful hijacked by extremists,” *Times of London*, January 21 2003; “Police raid London mosque in connection with find of poison ricin,” *Associated Press*, January 20 2003. According to published reports, confirmed by interviews with French intelligence officials, in 1999 the French DST learned that Moussaoui had gone to Afghanistan and suspected him of having trained in one of bin Laden’s camps. The French claim they warned their British counterparts. Clair Interview. See also, Andrew Gumbel et al, “The ‘20th Hijacker’ Had Been A Suspect For Years – But He Was Ignored By Intelligence Agencies,” *The Independent* (London), December 11 2001.



- Earnest James Ujaama, an American, but, like Reid, a Muslim convert who helped to run the mosque's website in 1999 before returning home where the FBI claims he tried to set up al-Qaeda training camps in Oregon.<sup>304</sup>
- Rashid Ramda, then facing extradition to France for his role in planned attacks in Paris and Strasbourg, on whom, more below. Police in Spain, Belgium, Germany and Italy found that some of those they arrested after the September 11 attacks had been visitors to Finsbury Park.

One senior Belgian investigator said: "It cannot be a coincidence that the same faces were all in the same mosque at the same time. It was hardly top of the tourist attractions for visitors to Britain."<sup>305</sup>

Questioned about these suspects, Hamza insisted that he knew nothing of their extremist links, adding: "Thousands of young people from all over the world come to hear me preach. I am very famous." Indeed, videos and tape recordings of Hamza's sermons circulated in mosques throughout Britain and his congregation facilitated contact with terrorist networks abroad. The Yemeni Government sent evidence saying it was from his mosque that Abu Hamza's son, his stepson and his press officer were recruited for a bombing mission in December 1998 against British targets in the port city of Aden.<sup>306</sup>

One terrified young worshipper told how he and six others were taught to strip down, load and fire a Kalashnikov rifle in the mosque's basement room.<sup>307</sup> Moderate British Muslims say they have repeatedly distanced themselves from the actions of fringe groups with minuscule support in the Muslim community, only to see the media lend their publicity-hungry leaders almost superstar status.

### **France**

One member of the Finsbury circle was central to a dispute that roiled Anglo-French relations well before September 11 and illustrated their contrasting approaches to Islamic terrorism. This

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<sup>304</sup> Patrick J. McDonnell, "The Entrepreneur Who Saw Road To Profit in Al Qaeda," *The Los Angeles Times*, September 22 2002.

<sup>305</sup> Daniel McGrory, "A haven for faithful hijacked by extremists," *Times of London*, January 21 2003.

<sup>306</sup> Hamza appeared to urge his congregation to do likewise: "There is a special reward for those who go out to fight, and there is a special place for them in heaven and a lower place for those who receive no hurt and sit at home." Assif Shameen, "Secrets of the Mosque; A Rare Look Inside the religious centers that have made Britain a hotbed of radical Islamic agitation," *Time International*, May 6 2002; Sean O'Neill, "Mosque has been source of concern over terrorism since 1996," *The Daily Telegraph* (London), January 21 2003; Faisal Bodi, "Like Catholics during the Troubles, British Muslims are being persecuted in the name of security," *The Guardian* (London), January 21 2003.

<sup>307</sup> Daniel McGrory, "A haven for faithful hijacked by extremists," *Times of London*, January 21 2003.

contrast may surprise Americans whose assumptions about counterterrorism were formed during the dispute over the U.S. invasion of Iraq.

French counterterrorism officials have been infuriated and the British Home Office frustrated by a row over Rachid Ramda. The French Algerian was the alleged mastermind of GIA bombings in the mid-1990s (see Chapter VI). Britain granted Ramda asylum in 1992. Three years later he was arrested shortly after the first Paris Metro bombings. At the same time GIA networks in Belgium were found with drawings of a plan to attack the Eiffel Tower.<sup>308</sup>

The French accused Ramda of being the banker, logistics chief and the mastermind of the attacks and requested extradition. For their part in the attacks two other suspects – Smain Ait Ali Belkacem and Boualem Bensaid – were jailed in France. Even as the refusal of successive extradition requests strained cross-channel relations, Ramda’s defense lawyers mounted a full-scale attack on the entire French criminal justice system and its anti-terrorist laws, both widely criticized by international human rights organizations.

Indeed, French magistrates enjoy a leeway to authorize wiretaps and hold terrorist suspects for long periods before trial far beyond what the U.S. Congress, in the U.S.A. Patriot Act, authorized after September 11. Under French law, terror suspects can be hauled in for four days of questioning without a lawyer. Once charged, they can be held as long as four years before trial. Those who provide logistical support to terrorists are prosecuted under the broadly-worded charge of “criminal association relating to a terrorist enterprise.”

Ramda’s British lawyers claimed the French system was institutionally racist and denied Muslim defendants human rights. They accused the renowned *cour d’assises speciale pour les affaires de terrorisme*, over which Jean Louis Bruguiere presides, of not providing the basic conditions of a fair trial. They pointed to the lack of provisions to stay a prosecution because of pre-trial publicity after the Minister of Justice declared that Ramda was “essential to the bombing campaign.”<sup>309</sup>

Soon after September 11 the British Home Office relented and granted the French extradition petition. But on June 27 2003 the High Court overturned the Home Office decision to extradite, finding that Ramda risked “inhuman treatment” if returned.<sup>310</sup>

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<sup>308</sup> Clair Interview; Kepel 2002: 267.

<sup>309</sup> David Pallister, “Algerian’s record battle against extradition: Longest-serving remand prisoner in Britain attacks French law,” *The Guardian* (London), March 26 2001.

<sup>310</sup> “UK Rejects French Terror Extradition,” *CNN.com*, 27 June 2002, available online at [www.cnn.com](http://www.cnn.com), accessed June 28 2002. British courts also blocked the U.S. Justice Department’s attempt “to obtain the extradition of Lotfi Raissi who, it was claimed, helped train the hijackers responsible for the September 11 attacks. The court ruled that the prosecution had ‘no evidence’, and set him free.” The judiciary has been no easier on Britain’s security efforts.

European Union Justice Commissioner Antonio Vitorino has said that such obstacles to extraditions within the European Union would not be possible after January 1, 2004, when a new European arrest warrant went into effect.<sup>311</sup> The warrant allows a judge in any of the EU states to automatically order the arrest and extradition of an individual suspected of terrorism or drug trafficking. The European arrest warrant is a countervailing measure against liberal judiciaries.

Another explanation advanced for British lenience is that British security forces had their hands full with Irish terrorism and that Islamic terrorists were put on the back burner. A former British security officer from the Special Branch told the *Observer*: “There was a deal with these guys. We told them if you don’t cause us any problems, then we won’t bother you.”<sup>312</sup>

The French, whose media covered the Ramda case closely, derived cold comfort from such explanations, and dubbed the vast “no-go” areas of immigrant London “Londonistan.” They say it is an echo of Britain’s “indirect” colonial governance, delegation to foreign rule (though it is not always easy to see how “Londonistan” differs from *les banlieues*, the ring of depressed blue-collar, immigrant-laden suburbs that surround virtually every French city).

French and American intelligence services reportedly actively monitor the UK. French counterterrorism authorities appear eager to help the U.S. departments of Homeland Security and Justice. The latter complains privately about how little help they get from the hamstrung German services. The American and French services are said to marvel at Britain’s unrivalled surveillance – cameras on every street corner – but to despair over how little is done with the information.<sup>313</sup> Eleven of the 19 hijackers entered the U.S. after stopping briefly in England.<sup>314</sup>

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In July 2002 immigration judges ruled unlawful a section of the 2001 anti-terrorism statute which provides for the internment of foreigners suspected of international terrorism. The judges had no problem with detention without trial, but found the singling out of foreigners discriminatory – what we would call “ethnic profiling.” “Told you so,” *The Economist*, August 3 2002; Audrey Gillian, “Detention of 11 foreign terror suspects unlawful, judges rule,” *The Guardian* (London), July 31 2002; Andrew Norfolk, “New anti-terror laws deny basic human rights,” *The Times* (London), July 18 2002. British and U.S. human rights organizations repudiated the detentions without trials. See the website of Liberty – British equivalent of the ACLU, <http://www.liberty-human-rights.org.uk/issues/terrorism.shtml> and the American group Human Rights Watch: <http://www.hrw.org/press/2001/11/UKBill1116.htm>.

<sup>311</sup> Carol Coulter, “Justice ministers to examine plan for European arrest warrant,” *The Irish Times*, January 24 2004. The European Arrest Warrant went into effect on January 1, 2004, but only in eight countries: Belgium, Denmark, Ireland, Finland, Spain, Sweden, Portugal and the United Kingdom. The other seven have vowed to complete transposition by March 2004. “Justice and Home Affairs: Arrest Warrant Enters into Force, But Only in Eight Member States,” *European Report*, January 14 2004.

<sup>312</sup> Jason Burke, “All eyes on Britain as Terror War Gains Pace,” *The Observer* (London) January 26 2003. Britain has been largely free of Islamic terrorist attacks despite, or perhaps because of, the large Islamist presence. The ricin plot (see below) may mark a departure from the rule or, since it was reportedly directed against British troops, may denote a pointed protest against the British alliance with the Americans in Iraq. Either way it raises the question of how far al Qaeda pursues or can pursue a geopolitical strategy.

<sup>313</sup> John Kampfner, “Why the French call us Londonistan,” *The New Statesman* (London), Dec 9 2002.

<sup>314</sup> Jane Kramer, “Private Lives: Germany’s Troubled War on Terrorism,” *The New Yorker*, April 30 2002. Hereafter referred to as Kramer 2002.

British mildness and French severity on Islamic terrorism reverse their far better-known positions on Iraq.

### **Muslim Assimilation and Wearing the Veil**

The diverse British and French approaches to security reflect differing strategies of integration or assimilation. Britain has opted for a multicultural pluralism or communitarianism, granting citizenship without assimilation. France largely continues to pursue its traditional assimilation model, which refuses to recognize cultural differences in the public sphere. Britain's 1976 Race Relations Act acknowledged the legal existence of "racial groups" in sharp contrast to France's approach of citizenship universalism where, in the word of one French commentator, "the citizens of the republic do not belong to communities, they belong to the republic..."<sup>315</sup> Thus in France Muslim headscarves worn by school children produced the *foulard* affair which united the French political and intellectual class behind secularism (*laïcité*). Now legislation banning the wearing in schools, hospitals, and other public buildings of "conspicuous" religious symbols (large crosses, yarmulkes, veils or headscarves – *foulard*) is taking on the features of a foundational issue. The seemingly innocuous *foulard* has sparked a fierce political confrontation.

The law is somewhat disingenuous insofar as it claims to censure "religious" symbols when the real issue is Islamism. Christian and Jewish establishments have been able to accommodate with secularism in part because religious toleration achieved an honored place in Western culture in the seventeenth century, in part through the writings of John Locke and Pierre Bayle.<sup>316</sup> The American philosopher John Rawls has written that during the long Reformation controversies about religious toleration, which Perez Zagorin reviews in his splendid book, "something like the modern understanding of liberty of conscience and freedom of thought began."<sup>317</sup> But that understanding as a political reality has been more difficult to achieve in France, where the church and the state contended into the 20th century, leaving a strict

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<sup>315</sup> Dominique Moisi, a political analyst and commentator quoted in Keith B. Richburg, "French Muslims Offer Little Opposition to Head Scarf Ban," *The Washington Post*, December 20 2003.

This attitude toward the veil upsets Claude Allegre, the Socialist former Minister of Education, who wrote recently: "Anyone who thinks that the 'atypical' presence of a couple hundred veiled girls among 7 or 8 million adolescent students is enough to bring a rather apathetic France to its boiling point is kidding himself. The veil is above all a symptom of fear – a fear that Le Pen and his retrograde and dangerous ideas can ride on." French centrist politicians don't want the far-right National Front of Jean-Marie Le Pen to use anxiety over the veil – and more generally over immigration and assimilation – to score big victories in the regional elections coming this spring. That is part of the reason why the law on the veil is being rushed to the legislature. Also, part of the reason why France's minister of the interior, Nicolas Sarkozy, has spent much of the past year trying to bring Islam into line with the country's laws.

<sup>316</sup> Perez Zagorin, *How the Idea of Religious Toleration Came to the West*, (Princeton: Princeton University Press), 2003; ch.7.

<sup>317</sup> John Rawls, *Political Liberalism*, (New York: Columbia University Press), 1996: xxxvi; cited in Perez Zagorin, *How the Idea of Religious Toleration Came to the West*, (Princeton: Princeton University Press), 2003: 310.

secularism or *laïcité* in its wake.<sup>318</sup> The French solution between a “crusading rationalism” and a “decadent state Catholicism” which controlled French schools was an agreement whereby religion would confine its practice to the private sphere.<sup>319</sup> Now those struggles have been revived but not against a decadent and reactionary Church but against an assertive Islamism which does not accept religious toleration, still less French-style secularism.

So at the core of the problem is not “religion” but the assimilation of France’s Arab immigrants and their children and control of the schools they attend. French school teachers say that violence-prone Muslim groups have generated an epidemic of unruliness in France’s schools. The sociologist Emmanuel Bremmer produced an inventory of classroom incidents, including disruptions of classes on evolution or the Nazi holocaust and threats against female teachers. The report is said to have shocked President Jacques Chirac, who supports the *foulard* ban. The head of the Commission of Inquiry established by President Chirac to try to resolve this festering fifteen year-old issue has said: “It is no longer a question of religious freedom but of public order.” That view was endorsed by the editor of France’s liberal *Le Monde*.<sup>320</sup>

But the implications go even further than the question of assimilation. French politicians have for some time, and most recently in Iraq, prided themselves for their understanding of and influence in the Arab world. But as Christopher Caldwell has written, the price has been that they are forced “to listen attentively to the Arab world’s wishes.” The Mufti of Egypt darkly warned that the *foulard* ban would “destroy the social peace of French society issue.” Hezbollah wrote a threatening letter to Chirac, and there has been an increasing tendency among Islamist theologians to regard France (and much of Western Europe) as part of *Dar al-Islam* – an Islamic country, “the House of Islam.” Interior Minister Sarkozy took the trouble to visit Egypt and secure a *nihil obstat* from the influential establishment imam of al-Azhar University.<sup>321</sup> This raises the question as to the extent French cultural as well as foreign policy has been placed in thrall to Islamists at home and abroad.

And the issue also goes further than France, and not just because Germany faces a similar issue over whether teachers, as public employees, can don the veil in class or because the issue is also coming to the fore in Belgium.<sup>322</sup> The European Union may eventually issue community-

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<sup>318</sup> See Pierre Birnbaum, *The Idea of France*, (New York: Hill & Wang), 2001.

<sup>319</sup> Christopher Caldwell, “Veiled Threat: Can French secularism survive Islam?” *The Weekly Standard*, Jan. 19 2004. Hereafter referred to as Caldwell 2004.

<sup>320</sup> Jean-Marie Colombani, “Dangers,” *Le Monde*, December 13 2003.

<sup>321</sup> Caldwell 2004.

<sup>322</sup> “German state proposes headscarf ban for civil servants,” *Associated Press*, February 10 2004; Chris McGillion, “French Move To Ban Headscarf Veils A Deeper Conflict,” *Sydney Morning Herald*, January 20 2004.

wide regulations on religious toleration. France would like those to resemble its own and not those of England with its established church, or still less those of Ireland whose constitution cites the Holy Trinity in its preamble.

It has been easy for American politicians and the State Department to sneer at the French attempts to regulate the veil. We have worked out a so far successful system of religious toleration and would not dream of censuring a headscarf – though of course, at the edges, in federal court houses in Alabama, we still have our church-state controversies. But neither do we have France’s problems. As Caldwell writes:

“One can prefer the American means of dealing with religious diversity and still question the smug assumption that America’s constitutional order could easily cope with the facts on the ground that exist in France – i.e., the equivalent of, in this country, some 30 million rapidly radicalizing Muslims, concentrated in a handful of pivotal cities.”<sup>323</sup>

With the largest Muslim population of any European country, France hosts the largest European Muslim presence since 15<sup>th</sup> century Spain. Islam is now France’s second religion, after Catholicism, and perhaps the first in actual practice. The provenance of the Muslim community in France presents a security problem, but that problem has been dealt with very differently from Britain.

If Irish terrorism diverted British attention away from Islamists, Algerian terrorism had precisely the opposite effect in France. French domestic intelligence professionals have had some success in “turning” exhausted jihadists, though French and other European security officials are in agreement with their American and German counterparts that Islamist zeal makes infiltration extremely difficult.<sup>324</sup> French security officials affirm that no place of worship is off-limits to the state in secular France. They say the mosques of France are watched and Friday sermons closely monitored, a practice authorized after the attacks on the Paris Metro. Hate speech is rewarded with a visit from the police, a blacklisting and the prospect of deportation.<sup>325</sup>

Group identities are discouraged in France by tradition, custom, history, practice and social norms. But France’s large Muslim community is marked by levels of frustration, violence and hate crimes far higher than in Germany or Britain. The traditional assimilation model has been challenged by unprecedented levels of immigration, and by the staunch Muslim

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<sup>323</sup> Caldwell 2004.

<sup>324</sup> Clair Interview; Krause Interview; Wegesin Interview; Rolince Interview; Krause Interview; Watson Interview, Interview with J. Cofer Black, State Department Coordinator for Counterterrorism, Washington, D.C., October 24 2003. Hereafter referred to as Black Interview. Elaine Sciolino, “In France, Glory Meets Fear,” *The New York Times*, October 13 2002.

<sup>325</sup> Clair Interview.

identification of most immigrants which springs up as a kind of adversarial assimilation in the second generation. Many *banlieues* have become Muslim enclaves which, as in England, earn the reputation of *zones de non-droit*. Satellite dishes are tuned to *al-Jazeera* and other Arabic channels. Journalists have found al Qaeda cells in Muslim enclaves and have interviewed members who have trained on the Afghanistan-Pakistan border.<sup>326</sup>

French North Africa, and especially Algeria, is France's main sender region. For the production of terrorists what could be more ideal than Algeria – with its modern history of violent political struggle and a vicious fundamentalist resistance movement?

### Germany

From a security standpoint Germany is fortunate in the provenance of its Muslim population – secular Turkey, where Islam is usually companionable, accustomed to coexisting in a secular state with a variety of ethnic groups and ideologies. Wahhabist and Salafist doctrines are a minority in Germany because of the preponderant Turkish influence. But as in France and England, though to a lesser degree, there is alienation among second and especially third-generation Muslim minorities.<sup>327</sup>

Integration of Turkish minorities has proceeded at a glacial pace, sometimes producing resentment. It is not uncommon for Turkish to remain the language of choice for the children of Turkish immigrants. Most are not German citizens. Only since 1999 have legal immigrant children born on German soil been permitted to become citizens. Only then did the German state shift the basis of citizenship from *jus sanguinis* (blood) to *jus soli* (territory). If in France a mode of assimilation which takes little account of diversity slows assimilation, in Germany the delay has come from the opposite direction: a reluctance to allow assimilation to proceed.

Most of Germany's Muslim residents were guest workers, *Gastarbeiter*, or their children, recruited to supply unskilled labor for Germany's economic miracle of the 1960s. Far from extremists these Turkish immigrants were “regarded as a comically conservative population – good people, calm people, hardworking law-and-order-people who were grateful to be in Germany.”<sup>328</sup> But there are more than a dozen radical and Islamist groups in Germany with as many as 32,000 members based in the immigrant population, such as the Kurdistan Workers Party and *Kalifatstaat* whose leader Metin Kaplan declared a caliphate in what most people think

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<sup>326</sup> BBC2 “Newsnight,” October 8 2003.

<sup>327</sup> Personal Interview with Friedrich Buttner, Free University, Berlin, December 18 2002. Hereafter referred to as Buttner Interview.

<sup>328</sup> Kramer 2002.

of as the Rhineland.<sup>329</sup> The latter is in prison, though he has not been extradited to Turkey, on the ground of “human rights,” a decision that offended the Turkish government. However, violent speech and action among immigrants is far rarer than in the UK and France.

Yet this is the very country that hosted the terrorist cell which led the September 11 attacks. One reason advanced for this paradox is that the terrorists choose not to risk the protection of Germany’s liberal laws by detonating anything there (the same inferences have been made in the case of the UK).<sup>330</sup>

According to German intelligence officials all the members of the Hamburg cell were in the country legally, committed no immigration or other violations and had no ties to organized crime. The cell members came not from Turkey but from various Arab countries.<sup>331</sup> Most were on student visas, but at least one was an asylum seeker (from Yemen). After attending various colleges, they met in Hamburg in the mid-1990s where they came in contact with fundamentalist recruiting networks. In a pattern that has become familiar, the three future hijackers were not themselves extremists when they settled in the West but became so in their sojourn there.<sup>332</sup> At Hamburg’s *al Quds* mosque they came to know a group of Islamists including Mohammed Haydar Zammar, Ramzi Bin alShibh, Said Bahaji, Zakariya Essabar, Mounir Mottasadeq and others. Within this group, which came to be known as the Hamburg cell, the hijackers prayed, worked, lived, socialized and attended classes in the university. But subsequent investigation, tracing telephone calls, bank accounts and financial transactions, revealed an extensive support structure, trips to Afghanistan, apartments rented by fellow students or other Muslim immigrants.<sup>333</sup>

Members of the Hamburg cell did not fail to arouse the attention of the U.S. and of German security even before the cell came into existence. The CIA and the FBI each investigated alleged al Qaeda operative Mahmoud Darkazanili and Zammar without the other

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<sup>329</sup> The controversial, fundamentalist and influential Milli Görüs group, which advocates Islamic education in German public schools but also promotes integration of German Turks, is regarded by some Germans as extremist, but not by others. This may reflect divisions between integrationist and fundamentalist wings in Milli Görüs. Steinbach Interview, Wegesin Interview, Buttner Interview, Frisch Interview.

<sup>330</sup> Kepel *Jihad*: 303.

<sup>331</sup> Urlaub Interview.

<sup>332</sup> Terry McDermott, “How Terrorists Hatched a Simple Plan to Use Planes as Bombs,” *The Los Angeles Times*, September 1 2002; JI: 183.

<sup>333</sup> Urlaub Interview; Interview with Mattias Iken, *Die Welt*, Hamburg, March 27 2003. Hereafter referred to as Iken interview; JI: 183; Dirk Laabs, “Man Convicted of Role in 9/11 Terror,” *The Los Angeles Times*, February 20 2003; Terry McDermott, “How Terrorists Hatched a Simple Plan to Use Planes as Bombs,” *The Los Angeles Times*, September 1 2002.



knowing.<sup>334</sup> Prior to September 11, 2001 it was not illegal in Germany to be a member of a foreign terrorist organization, to raise funds for terrorist organizations or even to plan a terrorist act outside of Germany. The government was prohibited from investigating religious groups.

Nevertheless, by the end of 1998 German investigators had identified the entire Hamburg cell.<sup>335</sup> German law enforcement tapped phones, trailed suspects and entered their names in a police database of known radicals. However, at that time authorities reportedly dropped the case for lack of evidence of criminal planning.<sup>336</sup> As in the United States, Islamic terrorism was viewed as a criminal matter, subject to conventional laws and authorities. Before September 11 Germany's foreign intelligence agency, the *Bundesnachrichtendienst* or the BND, had no official assignment to track militant Islam. In Hamburg, state authorities had one man assigned part-time to monitor the Muslim community of 80,000. In Hamburg as elsewhere in Germany, counterterrorist resources were devoted mainly to nativist right-wing groups.<sup>337</sup> Ever wary of the country's Nazi past, officials say that targeting mosques would have courted charges of racism or religious persecution.<sup>338</sup> So while authorities were aware of the calls to jihad that inspired the Hamburg cell, they were reluctant to intervene without a specific criminal cause. The *Bundeskriminalamt* (BKA, Federal Crime Office) had no authority to gather intelligence, run undercover operations, mount a sting or even initiate an investigation without a court order.

Meanwhile the Hamburg cadre continued to recruit in the *al Quds* mosque (where the imam, in videotaped sermons, declared that "The Jews and Crusaders must have their throats slit"), to participate in study groups at a university meeting place, to entertain pledges of "martyrdom" in the restricted backroom of the *Attawahid* Islamic bookstore, and, in their apartment, to polish 9/11 plans, probably hatched in Afghanistan and fine-tuned in Malaysia.<sup>339</sup>

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<sup>334</sup> JI: 187.

<sup>335</sup> David Crawford, "Pre-9/11, Germany Had Al Qaeda Cell in Its Sights," *The Wall Street Journal*, January 17 2003; Terry McDermott, "How Terrorists Hatched a Simple Plan to Use Planes as Bombs," *The Los Angeles Times*, September 1 2002.

<sup>336</sup> Peter Finn, "Hamburg's Cauldron of Terror," *The Washington Post*, September 11 2002.

<sup>337</sup> Terry McDermott, "How Terrorists Hatched a Simple Plan to Use Planes as Bombs," *The Los Angeles Times*, September 1 2002; Iken Interview.

<sup>338</sup> Urlaub Interview.

<sup>339</sup> Douglas Frantz and Desmond Butler, "Germans Lay Out Early al Qaeda Ties to 9/11 Hijackers," *The New York Times*, August 24 2002; Desmond Butler, "German Court Convicts Student of Aiding Sept. 11 Terrorists," *The New York Times*, February 19 2003; Desmond Butler, "Germany Says Hijackers Picked Trade Center as Target in 2000," *The New York Times*, August 29 2002; Terry McDermott, "How Terrorists Hatched a Simple Plan to Use Planes as Bombs," *The Los Angeles Times*, September 1 2002; Peter Finn, "Hamburg's Cauldron of Terror," *The Washington Post*, September 11 2002. German officials liked to stress the Malaysia planning and to downplay any planning in Hamburg. They say based on interrogations that the chief architects were Khalid Sheik Mohammed and Ramzi Binalshibh, not Mohammed Atta; Interview with Ernst Urlaub. In a dissenting view, the Joint Inquiry describes Malaysia and Germany as "the springboards for the attack" and tends to downplay the role of Afghanistan in the planning stages. JI: 131.

Two years after September 11, calls for jihad against “Jews, Israel and all unbelievers” could still be heard in the *al Quds* mosque. The latter boasts a prayer room that holds 400 people and occupies two upstairs floors above a gym in a redlight district-cum-immigrant quarter near the Hamburg railroad station.<sup>340</sup> The mosque’s dreary surroundings, featuring porn shops and vacant storefronts, in no way resemble the milieu where Mohammed Atta and his companions resided, at 54 Marienstrasse in the upscale Harburg section of Hamburg. Unlike the Communists who sought to live and work among the “masses,” these Islamists retained their existing privileged lifestyles while seeking to incite rebellion.

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<sup>340</sup> Personal visit to al Quds mosque; Peter Finn, “Hamburg’s Cauldron of Terror,” *The Washington Post*, September 11 2002.

## VII. Post-9/11 Measures and Revived Dangers in Western Europe

Though Western European countries passed a series of security measures in the wake of 9/11, the impact in Europe of those events has been less profound and durable than on this side of the Atlantic, for reasons both readily understandable and deeply discomfoting.<sup>341</sup> September 11 did not happen to Europe and before that day Western European countries had become familiar with the sort of terrorism that struck those countries. The IRA, ETA, the Red Army Faction, Bader Meinhoff Gang and the GIA were around for decades, though of course none produced anything like the mass terror of September 11. When Europeans think of terrorism, car bombs or booby-trapped ash cans come to mind. Moreover, many Europeans believe that their more accommodating Middle East policies will protect them from jihad.

This is perhaps why European politicians tend to minimize the danger whereas American politicians maximize it. America experiences frequent government-induced alarms while European alarms usually are shared only with security forces. But the views of European security services are more consistent with the “American” conception of the threat, as the January 2004 Hamburg incident illustrates (see below). Their qualms have been shaped by their monitoring of resurgent jihadist networks, attacks on European tourists in Bali and Tunisia, and an October 2002 message from bin Laden’s deputy, Ayman al Zawahiri, threatening European targets.<sup>342</sup> But whereas American security forces believe that the next attack will likely come again from the outside, European security forces also worry about the terrorist proclivities of their own Muslim immigrant populations.

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<sup>341</sup>For German measures see below. The Netherlands for the first time established a foreign intelligence service with broad surveillance powers. The French passed several anti-terrorism amendments, including one that expands police search-and-seizure powers. The United Kingdom enacted legislation that expanded the powers of the police and customs officials (see below). A Belgian law that went into effect on January 1 2003 authorized undercover police operations including observation, infiltration and working with agents in extremist groups. Another law passed in Belgium at the same time authorized the interception of telephone calls, electronic correspondence and satellite communications outside Belgium and permitted military intelligence to monitor the financial transactions of suspected terrorists. The European Union established an EU-wide arrest warrant to accelerate extradition of suspected terrorists, a measure Spain has demanded for years in its struggle with Basque terrorists who hide outside the country. The arrest warrant went into effect in 2004. David Crawford, “Europe Eases Limits on Police, Intelligence Services,” *The Wall Street Journal*, December 17 2002.

<sup>342</sup>Clair Interview April 15 2003, Urlau Interview; In an October 8 2002 taped message, Ayman al Zawahiri, al Qaeda’s second in command, issued a warning to France and Germany, stating, “We have sent some messages to America’s allies to cease their involvement in its Crusader campaign...notably a message to Germany and another to France, and if the doses were not sufficient, we are ready with the help of God to increase them.” “Al-Qaeda issues new threat to strike US interests: Al-Jazeera,” *Agence France Presse*, October 9 2002.

## Post-September 11 Measures in Germany

After September 11 Germany passed two counterterrorist legislative packages (in December 2001 and September 2002) which, among other provisions, provided for the introduction of air marshals, increased oversight of monetary transfers to potential terrorist organizations as well as permission for intelligence services to monitor extremist religious organizations and foreign terrorist groups (see below). With the kind of evidence collected in Hamburg prior to September 11, German officials say that today there would be arrests.<sup>343</sup> Andreas Croll, chief investigator of Islamic extremism for the Hamburg state police says, “We’ve learned a lot about Islamicists since Sept. 11...We are only now beginning to understand how they operate.”<sup>344</sup> German Interior Ministry officials say that post-September 11 counterterrorism legislation now gives them more discretion, but of course the law is not retroactive.

German officials, like their French counterparts, “profile,” what American FBI agents are careful to call “pursuing commonalities.”<sup>345</sup> The European practice resembles what U.S. police have called “soft profiling” whereby race or religion figure as one of many factors in gauging suspicion.<sup>346</sup> Thus in computer-aided searches through immigration records after September 11, profiling might highlight male engineering students between 18 and 35 from Arab or South Asian countries, entering the country on a student visa, professing Muslim fundamentalist religiosity, who have visited Afghanistan or Chechnya or “lost” their passport and/or received large money transfers, and often finds some “useful” job at an airport or utility company. In this way European authorities have narrowed down an immigrant population to manageable proportions for monitoring.<sup>347</sup>

But profiling has been frowned upon in Germany’s political culture ever since an investigation of the terrorist Red Army Faction produced a backlash in liberal circles, leading to the toughest personal data-protection laws in the world. In the spring of 2002 a computer

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<sup>343</sup> Wegesin Interview; Krause interview; Personal Interview with Jürgen Hohnen, Chief of Potsdam State Police, Ministry of Interior, March 28 2003. Hereafter referred to as Hohnen Interview. Interview with Cornellya Rogoll Groth, assistant secretary of Germany Ministry of Interior, December 16 2002.

<sup>344</sup> David Crawford, “Pre-9/11, Germany Had Al Qaeda Cell in Its Sights,” *The Wall Street Journal*, January 17 2003.

<sup>345</sup> Watson Interview.

<sup>346</sup> Watson Interview; Wegesin Interview. In classic racial profiling the police, based on crime statistics, conclude that African Americans are more likely to commit armed robbery. They will search a black person, according to the ACLU, “playing the odds” that he is armed, as Heather Mac Donald has explained. Heather Mac Donald, *Are Cops Racist?*, (Chicago: Ivan R. Dee), 2003:10,165. But if whites commit proportionately fewer robberies than blacks, they still commit them. Aside from the numerical odds, no connection exists between race and robbery. But between jihadists and Muslims there is an intrinsic connection. Furthermore, as mentioned, one must be a Muslim to belong to al Qaeda and to carry out their terrorist operations. If the FBI were to focus attention on Muslims, it would not be playing the odds but pursuing a tautology, the jihadists own self-description.

<sup>347</sup> Clair Interview, Hohnen Interview, Krause Interview, Wegesin Interview.

profiling operation in Berlin was shut down under the pressure generated by the complaints of three Muslim students. German Interior Ministry officials acknowledged that the kind of activities that led to September 11 could still be occurring in Hamburg, Frankfurt or other radical Muslim centers.<sup>348</sup>

Germany's postwar constitution or *Basic Law* enshrined two fundamental lessons from the horrors of the Third Reich: state power should be subordinate to individual rights and those rights should be granted without respect to nationality. This was a conscious departure from German tradition.<sup>349</sup> But in the words of *The New Yorker's* Jane Kramer, "The right to nearly absolute civil and personal privacy amounts to a state theology," which stems from "the memory of a scrutiny so chilling" that today's Germans will go to great lengths to protect themselves from a perceived revival of it.<sup>350</sup>

Hence the ambivalent response of private industry to the 2002 attempt of the BKA to utilize company employment files to track potential terrorists through a computerized profile. Security officials say companies were very cooperative until civil rights organizations took up the issue. Many companies came to fear law suits based on Germany's stringent 1990 national privacy law. Eventually barely 5 percent of some 4,000 companies consented to hand over personnel records to the police, and those companies were mainly those with federal contracts.<sup>351</sup>

Yet paradoxically the German government does gather a striking amount of information on its citizens. All residents (natives as well as immigrants) must carry identification cards and register with the police whenever they change address or phone number. Those who fail to register cannot rent an apartment or open a bank account, and their children cannot be registered in school.

The identity card has proved essential in tracking terrorists because it establishes an address to which utility bills correspond.<sup>352</sup> Thus after September 11 the Germans quickly located foreign students by cross-checking residence and university lists. Similarly, it was comparatively easy for the Germans to trace post-hoc the connections among the Hamburg cell because of members' scrupulous compliance with the law, hence identification cards, residency

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<sup>348</sup> Wegesin Interview; Hohnen Interview; Personal Interview with Steffen Angenendt, German Council on Foreign Relations, Berlin, April 1 2003. Hereafter referred to as Angenendt Interview.

<sup>349</sup> Joppke 1999: 69.

<sup>350</sup> Kramer 2002.

<sup>351</sup> See Ian Johnson and David Crawford, "Corporate Defiance: Germany's Hunt for Terrorists Hits Unlikely Obstacle," *The Wall Street Journal*, August 9 2002; Wegesin Interview.

<sup>352</sup> Krause Interview; Angenendt Interview; Personal Interview with Martin Klingst *Die Zeit*, Hamburg, April 2 2003. Hereafter referred to as Klingst interview.

records, etc. In contrast, neither the INS nor the FBI could locate those who had entered the country from suspect countries and were forced to adopt broadly targeted measures.<sup>353</sup>

But though basic information is available, often it does not get shared with local officials nor does local information ascend the chain. In the shadow of Nazi centralism, power in Germany is scrupulously disaggregated. There are jurisdictional and bureaucratic divisions among foreign and domestic intelligence and crime agencies, as well as federal, state and local law enforcement agencies. Moreover, “there is a reluctance of spies and policemen to be seen behaving like spies and policemen and a reluctance of politicians to be accused of *Gestapo* or *Stasi* tactics... or American or ‘Zionist’ tactics.”<sup>354</sup>

Nonetheless September 11 was a wake-up call for German politicians and especially for security officials. The ground was prepared for a reaction by public perceptions that German educational and crime problems were linked to immigration, by extremist demands for a “Caliphate” in Germany, and by sometimes violent homeland politics in the Turkish community.<sup>355</sup> Matters seen as trivial before September 11 suddenly loomed large.

At the instigation of the Social Democratic Interior Minister Otto Schily, a former Green Party pacifist, federal police have gained a degree of independence from state organs. Thus the BKA acquired federal jurisdiction over terrorism investigations and greater freedom in pursuing terrorist financing (though in this area American intelligence agents say the Germans still have far to go). The foreign intelligence agency, the BND, has been told to track Islamists. Alien laws were tightened and the visa regime strengthened. Proposals have been floated for more detailed personal information and biometric data to be added to identity cards and passports.<sup>356</sup>

The Hamburg cell met under constitutional protection afforded to a prayer group. After September 11 the constitutional protection of avowedly religious organizations against prosecution for hate speech and other crimes was removed. In April 2003 German authorities raided computers in some 80 offices and dwellings belonging to the anti-Semitic Islamist group *Hizb ut-Tahrir* (Party of Liberation). “Today’s measures are a clear warning to everyone that we

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<sup>353</sup> Urlau Interview; Krause Interview.

<sup>354</sup> Kramer 2002.

<sup>355</sup> Munz Interview; Angenendt Interview; Iken Interview; Personal Interview with Phil Triadafilopoulos, Humboldt University, April 7 2003. Hereafter referred to as Triadafilopoulos Interview. Otto Schily, Minister of the Interior, Remarks to the American Academy in Berlin, May 30 2003.

<sup>356</sup> Krause Interview; Urlau Interview; Hohnen Interview; Wegesin Interview; William Boston, “Germany’s Center-Left Coalition Agrees on New Security Measures,” *The Wall Street Journal*, October 29 2001; David Crawford, “Europe Eases Limits on Police, Intelligence Services,” *The Wall Street Journal*, December 17 2002.

will act against violent propaganda and anti-Semitic agitation,” Schily said. This was the second crackdown against the group, which was banned in January 2003.<sup>357</sup>

The new powers also proved useful in March 2003 when German authorities arrested six men with ties to the *al-Nur* mosque in Berlin. A senior interior ministry official told me that the six belonged to an organization working to recruit Arab students to conduct a terrorist operation to coincide with the outbreak of war in Iraq.<sup>358</sup> The recruiter was a 32-year-old Tunisian named Ihsan Garnaoui who entered the country on a false Portuguese passport similar to one used by other jihadists. The passport was one of a batch of 500 stolen from the Portuguese consulate in Luxembourg, suggesting to German authorities one more link between Islamic terrorism and organized crime.<sup>359</sup> The press reported Garnaoui had been in personal contact with Osama bin Laden and had spent five years training Islamic militants in camps in Afghanistan.<sup>360</sup> At *al-Nur* authorities found bomb-making materials, a toxicology manual, a video showing Germany from the air, a loaded Glock pistol and various passports.<sup>361</sup>

The Office of the Protection of the Constitution had “penetrated the mosque previously.”<sup>362</sup> Then on March 20, German police spied Garnaoui in a car with familiar diplomatic license plates. Within minutes of leaving the car Garnaoui was arrested. The driver was Mohamed J. Fakihi, the director of the Islamic Affairs Department of the Saudi Embassy in Berlin. The diplomat already had attracted the attention of the Office for the Protection of the Constitution after his business card was found in possession of Motassadeq, the Moroccan student and Hamburg cell member later convicted for conspiracy to aid the 9/11 hijackers. Investigators say Fakihi met with Motassadeq at a Hamburg mosque after the September 11 attacks. After months of silence, Saudi officials denied that the two had met.<sup>363</sup>

The mosque’s imam had regular contact with Motassadeq, according to German authorities who were examining the financing of *al-Nur*, which they had been investigating since 2001 for possible ties to al Qaeda. They say the mosque is funded by the al-Haramain

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<sup>357</sup> Richard Bernstein, “German Police Raid an Islamic Militant Group,” *The New York Times*, April 11 2003.

<sup>358</sup> Krause Interview.

<sup>359</sup> Krause Interview; Stefan Theil and Michael Isikoff, “A Missing Diplomat,” *Newsweek*, April 14 2003.

<sup>360</sup> “Tunisian held in Germany in scam to finance al-Qaeda,” *Agence France-Presse*, June 1 2003; Stefan Theil and Michael Isikoff, “A Missing Diplomat,” *Newsweek*, April 14 2003.

<sup>361</sup> Krause Interview; “Tunisian held in Germany in scam to finance al-Qaeda,” *Agence France-Presse*, June 1 2003; Desmond Butler, “Saudis Withdraw Berlin Diplomat,” *The New York Times*, April 25 2003; David Crawford, “Germans Investigate Saudi Official – Probe of Islamic Extremism; Uncovers Possible Links Between Diplomat, Terror,” *The Wall Street Journal*, April 22 2003.

<sup>362</sup> Krause Interview.

<sup>363</sup> Desmond Butler, “Saudis Withdraw Berlin Diplomat,” *The New York Times*, April 25 2003; David Crawford, “Germans Investigate Saudi Official,” *Wall Street Journal*, April 22 2003.

Foundation in Riyadh and was purchased several months after Fakihi arrived in Berlin. The U.S. government ordered the seizure of al-Haramain assets in Somalia and Bosnia-Herzegovina because those branch offices were “clearly linked to terrorist financing,” according to a U.S. Treasury Department report.<sup>364</sup> Al-Haramain is one of the entities accused of funding al Qaeda in a \$1 trillion class-action civil suit brought by the families of September 11 victims.<sup>365</sup>

German investigators say Fakihi channeled more than \$1 million to the *al-Nur* mosque. The mosque was moved from a shabby courtyard inside a rundown apartment building to a gentle side street and a four-story complex replete with an Internet server, classrooms, shops and kitchens. Most of *Al-Nur*'s worshipers are from Arab countries, and it deviates from neighboring, mainly Turkish, mosques by cleaving to Wahhabism. The mosque hosted violence-preaching imams as well as Mohammed Atta and other members of the Hamburg cell. In addition, documents containing the mosque's address were seized from men alleged to have received military training in 2001 at al Qaeda camps in Afghanistan. German prosecutors submitted copies of the documents to a court in Hamburg during Motassadeq's trial.<sup>366</sup>

As part of the Fakihi probe, German investigators sought to determine why the Saudi Embassy in Berlin housed its Islamic Affairs Department far from its elegant residence in West Berlin. Fakihi operated from an East German-era high rise on *Torstrasse* in Kruezberg/ Neue Koln in the former East Berlin, known for its mix of immigrants and counterculture, but an improbable location for a legation which the Saudi Embassy told German investigators was disseminating “the glories of Islamic culture.” A senior German intelligence official said the department is actually dedicated to the missionary proclamation of Wahhabism.<sup>367</sup>

Fakihi did not speak German, and though functioning as a cultural attaché, refused to attend concerts, plays, or movies because he scorned exposure to music in accordance with Wahhabism.<sup>368</sup> But German officials say “he met regularly with known Islamic extremists.” According to published reports, U.S. officials maintain Fakihi was “more than just a sympathizer

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<sup>364</sup> “Designations of Somalia and Bosnia-Herzegovina Branches of Al-Haramain Islamic Foundation,” (Washington, D.C.: Office of the Treasury), March 11 2002.

<sup>365</sup> Krause Interview; Urlaub Interview; David Crawford, “Germans Investigate Saudi Official – Probe of Islamic Extremism; Uncovers Possible Links Between Diplomat, Terror,” *Wall Street Journal*, April 22 2003; Burnett et al 2002: 289.

<sup>366</sup> David Crawford, “How a Diplomat From Saudi Arabia Spread His Faith,” *Wall Street Journal*, September 10 2003.

<sup>367</sup> Urlaub Interview; Krause Interview; David Crawford, “Germans Investigate Saudi Official,” *Wall Street Journal*, April 22 2003.

<sup>368</sup> David Crawford, “How a Diplomat From Saudi Arabia Spread His Faith,” *Wall Street Journal*, September 10 2003.



of bin Laden. He was organizationally involved” with al Qaeda.<sup>369</sup> According to a letter obtained by *The Wall Street Journal*, Fakihi “told his superiors in Saudi Arabia that his ultimate goal was to turn Berlin into an Islamic proselytizing center for Eastern Europe.” The Saudi diplomat envisioned moving his office to the mosque, which he proposed should carry the Islamic message to Poland, the Czech Republic and Hungary, the last of which “once belonged to the Islamic Caliphate under Ottoman Empire rule.”<sup>370</sup> Two days after the arrests the German Foreign Ministry, following a recommendation from the country’s domestic intelligence service, invited Fakihi to leave the country. On the next day the Fakihi was on a flight to Riyadh. Protected by diplomatic immunity, he was not the subject of a terrorist charge.<sup>371</sup>

Fakihi had a mentor. His predecessor as Saudi cultural attaché in Berlin was Ahmad Al-Dubayan, who is now the Director General of the Islamic Cultural Centre and the Central Mosque in London’s Regents Park. Mr. Dubayan says the complex is not a Saudi institution. But the London mosque and Dubayan reportedly have ties to Saudi-government-backed charities, such as the Muslim World League.<sup>372</sup> The Virginia offices of the Muslim World League were among those searched in March 2002 (see Chapter IV).<sup>373</sup> The expansion of *al-Nur* was originally Dubayan’s idea. Dubayan flew in from London after Fakihi’s arrest and met with him before the latter left for Saudi Arabia.<sup>374</sup>

### **Post-September 11 Measures in Britain**

The Anti-Terrorism, Crime and Security Act of 2001, rushed through Britain’s parliament after September 11, introduced broad powers to detain without charge anyone believed to be “a risk to national security” or suspected as a terrorist.<sup>375</sup>

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<sup>369</sup> Michael Isikoff and Stefan Theil, “Saudi Government: Bin Laden Loyalists: How High Do They Go?” *Newsweek*, May 5 2003; Neil Mackay, “Revealed: Saudi’s new links to 9/11; US suspects diplomat of al-Qaeda connection,” *Sunday Herald*, August 3 2003.

<sup>370</sup> David Crawford, “How a Diplomat From Saudi Arabia Spread His Faith,” *Wall Street Journal*, September 10 2003.

<sup>371</sup> Krause Interviews; Urlau Interview; Wegesin Interview; David Crawford, “How a Diplomat From Saudi Arabia Spread His Faith,” *Wall Street Journal*, September 10 2003.

<sup>372</sup> David Crawford, “How a Diplomat From Saudi Arabia Spread His Faith,” *Wall Street Journal*, September 10 2003.

<sup>373</sup> Judith Miller, “Raids Seek Evidence of Money-Laundering,” *The New York Times*, March 21 2002; Schmidt 2003; The Muslim World League was founded in 1962 to support Islamic associations and mosques and orient them in a Wahhabite direction. Kepel *Jihad*: 72, 194.

<sup>374</sup> David Crawford, “How a Diplomat From Saudi Arabia Spread His Faith,” *Wall Street Journal*, September 10 2003.

<sup>375</sup> Royal Assent: December 14 2001; see especially Part 4, Sections 21-23 on “suspected international terrorists.” The act also improved the government’s ability to store communications data and struck at terrorist financing. Immigration provisions included powers to remove suspected terrorists from the UK, to detain persons suspected of terrorism pending deportation and to deny asylum to persons suspected of terrorism. See also Sebastian Payne, “Britain’s New Anti-Terrorist Legal Framework,” *Royal United Services Institute for Defense Studies Journal*, June

In January 2003 a British police officer was stabbed to death in a Manchester apartment during the detention of militants suspected of involvement in a terrorist plot involving the poison ricin. The Manchester neighborhood where the killing took place hosts a transient, multiethnic population. Authorities believe there are sleeper cells in a number of cities like Manchester with immigrant communities into which they can easily blend (see below).<sup>376</sup>

Shocked by the killing, Prime Minister Tony Blair told the House of Commons that a terrorist attack in the UK was “inevitable” and that the ricin episode validated the new Anti-Terrorism Security Act.<sup>377</sup> The suspicion that the plotters were planning to poison British troops may explain the sudden decision to move aggressively against Muslim militants.<sup>378</sup> In his February 5, 2003 presentation on Iraq to the United Nations Security Council Secretary of State Colin Powell connected the ricin plot to a poison and explosive training center camp established in northeastern Iraq by a group (*Ansar al-Islam*) led by Abu Musab al-Zarqawi, a Jordanian veteran of the Afghanistan camps affiliated with al Qaeda. Powell suggested the Iraq had facilitated the ricin plot, though British intelligence was not willing to endorse the allegation.<sup>379</sup>

Pursuing the ricin connection, British counterterrorism police with chemical-sniffing dogs searched two dozen dwellings including a flat used as a mosque. The authorities said that most of the detained men were of North African descent, and that there were dozens of Algerians amongst them. One of the Algerians was trained in Afghanistan and was reportedly a key player in the al Qaeda network.<sup>380</sup>

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2002: 44-52. The arrest of Sajid Badat in November 2003 (see below) brought the number held in Britain under anti-terrorism laws since September 2001 to 481, of whom only 73 have been charged. (Our matrix charts Britain with 23 arrests, of which only 7 have been convicted). See Andrew Johnson et al, “The War On Terror: Is This The First Evidence Of A Suicide Bomb Plot In Britain?” *Independent on Sunday* (London), November 30 2003. See also Philip Johnston, “Sleeper cells pose threat to Britain; Fanatics are here and ready for attacks,” *The Daily Telegraph* (London), November 22 2003 which claims that 230 have been charged.

<sup>376</sup> Warren Hoge, “British Police Review ‘Poison’ Raid That Left Officer Dead,” *The New York Times*, January 16 2003.

<sup>377</sup> James Risen and Don Van Natta Jr., “Plot to Poison Food of British Troops Is Suspected,” *The New York Times*, January 24 2003; on the Iraq connection see, Wolf Blitzer Reports, “*CNN*, January 23 2003; Jim Hoagland, “Making the Case,” *The Washington Post*, January 26 2003; William Safire, “Clear Ties of Terror,” *The New York Times*, January 27 2003.

<sup>378</sup> James Risen and Don Van Natta Jr., “Plot to Poison Food of British Troops Is Suspected,” *The New York Times*, January 24 2003.

<sup>379</sup> Text of Powell speech in *The New York Times*, February 6 2003; see also James Risen and David Johnston, “Split at CIA and FBI on Iraqi Ties to Al Qaeda,” *The New York Times*, February 2 2003; Don Van Natta Jr. with David James Risen, “Plot to Poison Food of British Troops Is Suspected,” *The New York Times*, January 24 2003; David Johnston, “A Terrorist With a Deadly Past,” *The New York Times*, February 10 2003; Richard Norton-Taylor and Nick Hopkins, “Britain disputes terror link to police murder,” *The Guardian* (London), February 6 2003.

<sup>380</sup> Paul Lashmar, “Al-Qa’ida: UK Is Now The Prime Target,” *The Independent* (London), January 26 2003; Jonathan Stevenson, “The Qaeda Vipers In Europe’s Bosom,” *The New York Times*, February 1 2003; Sean O’Neill et al, “Raid on the court of Abu Hamza: The storming of the Finsbury Park,” *The Daily Telegraph* (London), January 21 2003; Warren Hoge, “Arrests Reported in Britain and Germany,” *The New York Times*, February 7 2003.

The raids uncovered information in a north London immigrant enclave that triggered raids across Spain, Italy, Germany and France, leading to the arrest of more than 100 suspects, mainly North African, especially Algerian. European soft targets and British military officials were mentioned as objectives.<sup>381</sup> The British MI5 and French intelligence cooperated in the raids.

*The Observer* reported “an unprecedented state of alarm in the UK” with police preparing for a spate of suicide bombers in what the newspaper called “the most sweeping crackdown on terrorism for decades.” The London daily also observed that “Investigators on the continent have always accused Britain of failing to deal with Islamic militants. Last week’s events have provided them with more evidence.”<sup>382</sup>

Easily the most spectacular raid involved 150 police officers in rapid entry units, wearing full body armor and supported by armed officers, smashing a battering ram through the front door of Abu Hamza’s Finsbury Park mosque.<sup>383</sup> The authorities said they found a number of forged passports together with hundreds of documents used to forge identities. Officers had sought the advice of Muslim colleagues on “how to behave respectfully,” covered their shoes, and focused their search on office space, avoiding prayer spaces.<sup>384</sup> The juxtaposition of such consultations with a battering ram indicates the complexity of Britain’s Muslim problem. Not absent from the British press after the raid were protests alleging violations of “the sanctity of a mosque to silence a preacher.”<sup>385</sup>

But until the raid, Abu Hamza operated without restraints despite FBI requests that he be detained or deported. In December 2002 a Home Office counterterrorism official told me that as a British citizen Hamza could not be arrested in the absence of direct ties to a terrorist organization or an offense against the public order – serious impediments since, as he put it, “the Islamicists are well advised on the law.”<sup>386</sup> Yet Hamza’s freedom proved useful to the surveillance services. The police outside his 1,500-man strong “celebration” of the first

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<sup>381</sup> Sophie Arie and Paul Harris, “British military chief ‘targeted by terrorist cell’,” *The Observer* (London), February 2 2003; “Italy terror suspects had maps of London,” *The Guardian* (London), January 24 2003.

<sup>382</sup> Jason Burke, “All eyes on Britain as terror war gains pace,” *The Observer* (London) January 26 2003.

<sup>383</sup> Sean O’Neill et al, “Raid on the court of Abu Hamza: The storming of the Finsbury Park,” *The Daily Telegraph* (London), January 21 2003; Don Van Natta Jr. with David James Risen, “Plot to Poison Food of British Troops Is Suspected,” *The New York Times*, January 24 2003.

<sup>384</sup> Jeevan Vasagar et al, “The violation of a place of worship or a vital blow in the war against terrorism?” *The Guardian*, (London) January 21 2003.

<sup>385</sup> See for example, Faisal Bodi, “Like Catholics during the Troubles, British Muslims are being persecuted in the name of security,” *The Guardian* (London), January 21 2003.

<sup>386</sup> Personal Interview with Robert Whalley, chief of Counter Terrorism, Home Office, December 10 2002.

anniversary of September 11 deployed a dozen photographers videotaping or taking snapshots of everyone coming in or out of the mosque.<sup>387</sup>

In April 2003, after the ricin episode, the Home Office moved to strip Hamza of his citizenship and deport him. The government learned that Hamza's marriage to a British woman in 1980 was illegal, calling into question his immunity from deportation as a British citizen. Moreover, Britain's new Nationality, Immigration and Asylum Act, which conveniently came into force that week, gave the Home Secretary the right to deprive a person of citizenship if "the person has done anything seriously prejudicial to the vital interests of the United Kingdom" or if he has obtained citizenship by deception.<sup>388</sup> An appeal will likely drag on for some time. Meanwhile Hamza is banned from preaching inside the Finsbury Park mosque, though he holds forth outside the building every Friday.

The legislation invoked against Hamza was the fourth British asylum law in the past seven years.<sup>389</sup> These statutes clearly failed to stem the tide of asylum seekers, which reached six figures annually, nor the complaints about the asylum system which now came from Labor as well as Conservative parliamentarians and constituents.<sup>390</sup> In January 2003 the Labor government's private polling reportedly showed that immigration and crime had supplanted the state of public services as the most important issue to Labor constituencies.<sup>391</sup> Meanwhile Conservative Party leaders worried that asylum and immigration issues were providing a foothold to their right for the xenophobic British National Party.<sup>392</sup>

Critics say the majority of those whose claims are rejected remain in the country, thus making the asylum decision superfluous. Once in Britain the claimant can avail himself of an array of organizations that offer assistance to ensure that legal rights are observed and benefits received.

The simmering asylum issue came to full boil when asylum claimants were found to be among those detained in the ricin threat. Reports of threats against refugees and refugee centers circulated, alongside petitions to deport Hamza. The Home Secretary warned that on the issue of

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<sup>387</sup> Farrukh Dhondy, "A Celebration of Terror," *The Wall Street Journal*, September 13 2002.

<sup>388</sup> Nationality, Immigration and Asylum Act, section 4; see also Warren Hoge, "Britain Moves to Deport Radical Cleric," *The New York Times*, April 5 2003.

<sup>389</sup> See Harriet Sergeant, *Welcome to the Asylum: Immigration and Asylum in the UK*, (London: Centre For Policy Studies), 2001.

<sup>390</sup> Tom Baldwin, "Asylum raids on illegal workers," *The Times* (London), January 31 2003; "Alarmed by tide, Britain Acts to Deter Asylum Seekers," *Chicago Tribune*, April 6 2003.

<sup>391</sup> David Cracknell and Dipesh Gadhur, "Labour is warned of asylum backlash," *The Times* (UK), January 26 2003.

<sup>392</sup> Nigel Morris, "Parties can't ignore immigration fears, warns Letwin," *The Independent* (London), February 4 2003.

asylum seekers British society was “like a coiled spring,” and he raised fears of vigilante action.<sup>393</sup> British tabloids linked terrorism to refugees “as the tone of public debate over refugees ... suddenly changed,” in the words of the liberal *Guardian*.<sup>394</sup> The shift in tone appears similar to the U.S. opinion swing on immigration in the wake of September 11. The episode may have marked a milestone in official British policy on Muslim extremism and on asylum policy.

### **Post-September 11 Measures in France**

In France, police conducting routine searches now keep their eyes open for Islamic literature and videos as well as guns, drugs and contraband. They pay closer attention to cases such as a bust in January 2004 in a high-crime, heavily immigrant suburb of Paris. Authorities seized a herd of 425 sheep sold illegally for ritual slaughter during Muslim holidays. This booming black market helped identify believers willing to defy the law, and it also is suspected of helping finance extremists.<sup>395</sup>

Unlike much of the rest of the European Union, French policies toward terrorism were largely unaffected by September 11 and its aftermath. But inertia reflected not apathy but several years of firm counterterrorism. Affected in France by September 11 was not counterterrorism policy *per se* but Muslim policy.

September 11 intensified distrust of Muslims among French citizens. Meanwhile, anti-Semitic attacks by Muslims reached new heights when the Arab-Israeli conflict intensified in the spring of 2002. Islamic identification with Palestine has supplanted the departed homeland in the affection of many Muslim immigrants. These anti-Semitic assaults included the stoning of worshippers, the desecration and firebombing of synagogues, kosher restaurants, Jewish schools and cemeteries in Paris, Lyon and several other cities, actions often accompanied by death and bomb threats, graffiti advocating “death to the Jews,” and so on. French police investigators noted that crime committed in the name of Islam was a dramatic change from the days when Muslim devotion led to respect for the law.<sup>396</sup>

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<sup>393</sup> Alan Travis, “Blunkett warning on asylum vigilantes,” *The Guardian* (UK), January 24 2003. In May the Prime Minister declared that asylum claims had fallen by 32% and that “Britain had turned the corner” in the asylum crisis as a result of the new law and other measures. However, Conservatives countered that the government merely had achieved a statistical decline by giving claimants work permits. Others argued that any actual decrease in claims was accompanied by increased illegal immigration. Tom Happold, “New asylum claims down 32%,” *The Guardian* (UK), May 22 2003; Nigel Morris, “Blunkett is accused of manipulating falling figures,” *The Independent* (UK), May 23 2003; Alan Travis, “Tough asylum laws ‘boost trafficking’,” *The Guardian* (UK), June 24 2003; Richard Ford, “Asylum controls may make things worse,” *The Times* (UK), June 24 2003.

<sup>394</sup> Alan Travis, “Blunkett warning on asylum vigilantes,” *The Guardian* (UK), January 24 2003; Patrick Wintour, “Blair warning on rights treaty,” *The Guardian* (UK), January 27 2003.

<sup>395</sup> Sebastian Rotella, “Extremists Find Fertile Soil in Europe,” *Los Angeles Times*, March 2 2003.

<sup>396</sup> Elaine Sciolino, “A Maze of Identities for the Muslims in France,” *The New York Times*, April 9 2003.

French politicians, long silent or evasive about the rise of crime in general, and about anti-Semitic hate crime in particular, began speaking out after the spring 2002 presidential campaign when crime was the top issue, linked in the public mind with immigration. In the years leading up to the campaign, crime shifted from property thefts to violent personal assaults, including attacks on firemen and rescue workers and gang rapes of teenage girls.<sup>397</sup>

The 2002 vote itself shocked the French political establishment by vaulting the rightist anti-immigration candidate Jean-Marie Le Pen into the second round. Then after the new center-right government came into office in 2002, there were dozens of arrests of suspected terrorists. All this led the government to conclude that the “Muslim problem” was more deeply rooted than suspected and that a comprehensive policy was needed.

The new Chirac government embarked on a two-pronged strategy of combining strict law enforcement with dialogue with Muslim organizations. The government cracked down on crime, especially hate crime, while attempting to entice Muslim immigrants into the mainstream.<sup>398</sup> The resolve of this conservative government seemed to show that modern French anti-Semitism did not bespeak a revival of the spirit of *Vichy* or *l'affaire Dreyfus*; that it was largely a product of Muslim immigration or the failure to integrate it.

In December 2002, the new Interior Minister Nicolas Sarkozy, having made a practice of visiting mosques and courting influential Muslims, reached an agreement with France’s Islamic leaders to establish a national, elected representative council. The aim was to give Muslims a place at the table in return for permission to monitor and regulate their activities. Sarkozy declared that the Islamic council was “a chance to create an official Islam of France and a way to fight the Islam of cellars and garages – an underground, clandestine Islam that feeds fundamentalism and extremism.” The council would promote French-trained and French-speaking imams who would stay out of politics. The goal was to create a body with which the government could discuss issues like education (as well as the administration of the more than 1,500 mosques and prayer houses in France), dress, work and even terrorism.

French regulation of religious communities can be traced back to Napoleon’s Concordat with the Pope in 1802. The Concordat recognized Catholicism as the country’s “preferred religion” but it also forced the Church to accept the nationalization of its property and gave the state the right to name bishops and police public worship. Similar arrangements were later established with Catholics, Protestants and Jews. But can such a model work in the 21st century,

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<sup>397</sup> Elaine Sciolino, “A Crime -Weary France Plans a Crackdown,” *The New York Times*, October 24 2002.

<sup>398</sup> Elaine Sciolino, “A Crime -Weary France Plans a Crackdown,” *The New York Times*, October 24 2002.

when the state enjoys far less prestige and exercises far less control over the behavior of its citizens?<sup>399</sup> And how does it differ from the scorned British model of “indirect rule”?

Sarkozy wants to discourage the kind of foreign, fundamentalist imams common in England for fear they too will preach a radical brand of Islam that will encourage violence. However, some security officials believe that, as in the United States and Britain, Islamism is preached in the Arabic portions of the sermon in “mainstream” Saudi-funded mosques and not just in “cellars and garages.”<sup>400</sup>

In April 2003 elections to the Islamic Council conducted in mosques yielded paradoxical results. Moroccans have the highest rate of mosque attendance, and the Morocco-linked National Federation of Muslims in France (FNMF) finished first with 39 percent. The fundamentalist Union of Islamic Organizations in France (UOIF), associated with the Muslim Brotherhood, followed with 32 percent of the votes. The group most sympathetic to the French project of producing an official French Islam, the Grand Mosque of Paris (GMP), trailed with 14.6 percent.<sup>401</sup> The government-appointed president of the council pledged to “block fundamentalism, from within a representative institution.”<sup>402</sup> Resolutions may only be passed by the council with an 80 percent supermajority, rewarding moderate consensus positions.

But in the summer of 2003 the council president stepped down, complaining that the “retrograde Islam” of the UOIF “exploits the Constitution to advance its own agenda.”<sup>403</sup> Sarkozy continued to support his experiment but made it clear that mosques where extremist Islam is preached will be closed; imams who give radical sermons will be expelled. And those wishing to attend Islamic conferences who do not show respect for republican rules will find themselves systematically denied visas to enter France.<sup>404</sup>

Sarkozy’s two-track approach may set a trend for dealing with Islamism in other parts of Europe. Italy’s Minister of the Interior, Giuseppe Pisanu, has adopted a similar tough-love policy:

Nicolas Sarkozy explained to me that there is a clear link between opening dialogue with moderate Islamists and the 22 percent reduction in violence in the Parisian suburbs...I

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<sup>399</sup> Xavier Ternisien, “Le Conseil français du culte musulman élu ce week-end,” *Le Monde*, April 14 2003; Elaine Sciolino, “French Islam Wins Officially Recognized Voice,” *The New York Times*, April 14 2003; Elaine Sciolino, “French Muslims’ Troubled Integration,” *The International Herald Tribune*, May 7 2003.

<sup>400</sup> Clair Interview.

<sup>401</sup> Thierry Portes, “Les fondamentalistes entrent en force à la direction nationale,” *Le Figaro*, April 15 2003.

<sup>402</sup> Cecilia Gabizon, “Les succès intégristes inquiètent l’Islam de France,” *Le Figaro*, June 17 2003.

<sup>403</sup> Thierry Portes, “Betoule Fekkar-Lambiotte: ‘Je démissionne pour défendre ‘islam républicain,’” *Le Figaro*, August 9 2003; “Head of France’s new Muslim council steps down,” *Agence-France-Presse*, June 27 2003.

<sup>404</sup> Guillaume Tabard et al, “Le ministre le plus populaire du gouvernement fait le point,” *Le Figaro*, September 18 2003. “Les mosquées ne respectant pas la loi seront fermées (ministre.)”, *Agence France Press*, September 25 2003.

want to do the same thing in Italy: to converse with the immense majority of moderate Muslims who came to our home in search of bread and work.<sup>405</sup>

At the same time the Italian declared that “either mosques respect the law or they close... We will not permit Italian mosques to transform into centers of occult finance and of recruitment for Islamist combatants.”<sup>406</sup>

### **Post-9/11 Dangers**

Since September 11 Islamic terrorists have rebuilt and even extended their European operations despite Western police efforts. That is the conclusion drawn by senior counterintelligence officials, press reports based on secret recordings of conversations between militants, and classified intelligence briefings. Operations have spread eastward from Britain, France, Spain and Italy to Germany and Austria and then into eastern European countries. A top German security official describes the groups involved as “mostly non-aligned,” working together on an *ad hoc* basis for specific operations and taking inspiration but not direction from al Qaeda – that is to say, they are part of what we have called “al Qaeda inc.”<sup>407</sup>

### **Zarqawi in Europe**

Their leader, if they have one, is reputed to be Abu Musab al Zarqawi, the militant whom Secretary of State Powell saw as a link between al Qaeda and Saddam Hussein, and who a year later was identified as attempting to provoke a sectarian war in Iraq.<sup>408</sup> Some analysts believe Zarqawi was behind the Istanbul suicide bombings against British targets and synagogues in November 2003. An authoritative report in *The Observer* stated that “though he follows a similar agenda to Osama bin Laden, the 37-year-old Zarqawi ... has always maintained his independence from the Saudi-born fugitive...”<sup>409</sup> Investigators say Zarqawi and his aides supervise the European network from a refuge in Iran.<sup>410</sup> In January 2004 Islamist websites posted the Jordanian’s first public statement, an audiotape proclaiming that “the wheels of war

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<sup>406</sup> “Les mosques ne respectant pas la loi seront fermées (ministre.),” *Agence France Press*, September 2003. Translated by Whitney Schaffer.

<sup>407</sup> Urlau Interview; Clair Interview. See also, Victor L. Simpson, “Prosecutor who led probe against al-Qaida says ‘free-lance’ terrorists new threat to Europe,” *Associated Press*, September 10 2002; Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004.

<sup>408</sup> Dexter Filkins, “U.S. Says Files Seek Qaeda Aid in Iraq Conflict,” *The New York Times*, February 9 2004.

<sup>409</sup> Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004.

<sup>410</sup> Sebastian Rotella, “A Road to Ansar Began in Italy,” *Los Angeles Times*, April 28 2003.



have begun to move and the gates of heaven are open [for the martyrs],” calling on Allah to “rend the kingdom of Bush.”<sup>411</sup>

In December 2003 *The Washington Post* reported that a group linked to Zarqawi, *Ansar al-Islam*, and al Qaeda “have joined forces to recruit Arab volunteers in Europe to fight the United States and its allies in Iraq.” The funding for the network reportedly was sent from Arab countries through Britain.<sup>412</sup> Through 2003 European intelligence services tracked Zarqawi’s network of Islamic militants dedicated to recruiting and dispatching suicide bombers to the Middle East and to planting bombs in Europe itself. In December 2003 European police discovered a recruiting operation by Islamic terrorist groups in Italy, Germany, France, Spain, Britain and Norway to supply operatives to terrorist cells in Iraq. According to the coordinator of terrorism investigations at Milan’s Justice Department: “Almost all Western European countries have been touched by the recruiting.”<sup>413</sup>

“Previously seen as a relative backwater in the war on terror, Europe is now in the frontline,” reported the *Observer*. “It’s trench warfare,” said one security expert. “We keep taking them out. They keep coming at us. And every time they are coming at us harder.”<sup>414</sup> Their activities transcend the few individual operations that set off massive security alerts over the 2003 Christmas holidays.

In France fighters are recruited for Chechnya while German groups link up with Balkan mafia gangs to procure weapons.<sup>415</sup> Spain is the port of entry of choice for North African militants and a possible operational node. Italy’s document-forging industry makes the country a natural place to recruit and dispatch volunteers while Britain remains the “nerve center” and logistical hub – a safe-haven, a recruiting and staging ground as well as a center for fraudulent documents manufacture. But the jihadist activities extend as far as Bulgaria, the Czech Republic,

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<sup>411</sup> “First Audio Recording By Al-Qa’ida Leader in Iraq Abu Mus’ab Al-Zarqawi,” *MEMRI*, Special Dispatch Series No. 639, January 6 2004.

<sup>412</sup> Sebastian Rotella, “A Road to Ansar Began in Italy,” *Los Angeles Times*, April 28 2003; Daniel Williams, “Italy Targeted By Recruiters For Terrorists: Attacks Tied to New Alliance,” *The Washington Post*, December 17 2003.

<sup>413</sup> “German, Italian police arrest three in terrorism sweep, hunt two others,” *Agence France Presse*, November 28 2003; Desmond Butler and Don Van Natta, “Recruiters; Trail of Anti-U.S. Fighters Said to Cross Europe to Iraq,” *The New York Times*, December 6 2003.

<sup>414</sup> Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004.

<sup>415</sup> Clair Interview, April 15 2003; Wegesin Interview; Krause Interview; Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004.

Poland and Romania, “prompting fears of a new battleground in countries with weak authorities, powerful criminal gangs and endemic corruption...”<sup>416</sup>

Zarqawi and al Qaeda inc. strive to recruit individuals with access to Western passports. Transcripts of Italian wiretaps obtained by Western reporters speak of recruiting “intelligent and highly educated people” and a battalion of “25 to 26 units” believed by investigators to be composed of potential suicide bombers.<sup>417</sup>

The French counterterrorist judge Jean Louis Bruguiere told the May 2003 Nixon Center Immigration and National Security Forum in Brussels that al Qaeda had stepped up its recruiting efforts in Europe and was especially on the lookout for women and for light skinned converts. Osama bin Laden, who reportedly sees converts as “an especially potent weapon,” seeks to mobilize the latest European fashion, what Olivier Roy calls “protest conversions.” Some young Europeans convert to Islam, Roy says, “to stick it to their parents, to their principal ... They convert in the same way people in the 1970s went to Bolivia or Vietnam [as part of] a very European tradition of identifying with a Third World cause.”<sup>418</sup> The Deputy Director of the French National Surveillance Directorate told me in April 2003 that “converts are our most critical work now.”<sup>419</sup> Another French intelligence official told *The Los Angeles Times* that converts “want to show other Muslims their worth. They want to go further than anyone else. They are full of rage and they want to prove themselves.”<sup>420</sup> How will U.S. immigration officials at ports of entry begin to distinguish these European citizens with European passports and faces (many terrorism suspects of Arab origin have European wives “who often equal them in ideological ferocity”).<sup>421</sup>

Despite the more severe French security regime, the DST (*la Direction de la surveillance du territoire*) worries that some French mosques may be radicalizing their flock and even hatching terrorist plots. Menad Benchellali, a 30-year-old who was arrested as a terrorist suspect in a raid in Paris’s northern suburbs in December 2002 is the son of Chellali Benchellali, an Algerian-born imam who heads the Abu Bakr mosque in suburban Lyon. Last year, another of

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<sup>416</sup> Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004; Daniel Williams, “Italy Targeted By Recruiters For Terrorists: Attacks Tied to New Alliance,” *The Washington Post*, December 17 2003.

<sup>417</sup> Sebastian Rotella, “A Road to Ansar Began in Italy,” *Los Angeles Times*, April 28 2003; Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004.

<sup>418</sup> Roy 2003.

<sup>419</sup> Clair Interview, April 15 2003.

<sup>420</sup> Sebastian Rotella, “Al Qaeda’s Stealth Weapons,” *The Los Angeles Times*, September 20 2003.

<sup>421</sup> Sebastian Rotella, “Al Qaeda’s Stealth Weapons,” *The Los Angeles Times*, September 20 2003.

Mr. Benchellali's sons, Mourad, was arrested by Americans in Afghanistan and imprisoned at Guantanamo Bay.<sup>422</sup>

According to two senior French counterterrorism officials, extremist recruiting in France grows more intense on a daily basis.<sup>423</sup> Another French intelligence official told *The Los Angeles Times*: "What the recruiters do is not illegal at first. Neither the republic nor the families of the recruits have found a way to stop them. We have more and more converts, young French with family problems, adolescent crises. Young girls too. For the Islamists, each convert is a great victory."<sup>424</sup>

In France, the jobless rate for immigrant men is 20 percent compared with about 9 percent for the native-born population, according to the Organization for Economic Cooperation and Development. In Germany, the rate is 15 percent for immigrants compared with 7 percent for native-born Germans. By contrast, in Australia, Canada and the United States, the jobless rates for foreigners and native born workers are virtually the same. In Britain, average unemployment rates hover around 2 percent, but for immigrants the unemployment rate is almost 5 percent.<sup>425</sup>

A French intelligence report on jihad recruitment notes that Islamization for some ("a minority") French youth "represents a vehicle of protest against ... problems of access to employment and housing, discrimination of various sorts, the very negative image of Islam in public opinion."<sup>426</sup> The significant number of militants in the Muslim immigrant communities of France, Belgium, Britain, Italy and Spain indicates a major problem of immigrant integration that, in the context of our immigration policy, may yet pay us an ugly visit.

Zacarias Moussaoui is a French citizen of Moroccan descent; Richard Reid, the hapless "shoe bomber" is a British citizen with immigrant parents. Both entered the country as part of the Visa Waiver Program (see below). Many second-generation European immigrants of Maghrebi, Middle Eastern or Pakistani descent have been arrested in European sweeps or are imprisoned in Guantanamo.

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<sup>422</sup> Elaine Sciolino, "Another Step in France's Official Recognition of Muslim Leaders," *The New York Times*, January 14 2003.

<sup>423</sup> Jean Louis Bruguere, remarks to the Nixon Center Workshop on Immigration and National Security, Brussels, Belgium, May 26 2003; Clair Interview April 15 2003.

<sup>424</sup> Sebastian Rotella, "Extremists Find Fertile Soil in Europe," *Los Angeles Times*, March 2 2003.

<sup>425</sup> Thomas Fuller, "Foreign workers face turning tide; Backlash in Europe," *International Herald Tribune*, December 24 2002. Organization for Economic Cooperation and Development, *Standardized Unemployment Rates*, 2003. Email correspondence with Patrick Collier, London, UK Home Office, March 9 2004.

<sup>426</sup> *Processus d'Enrolement de Jeunes Musulmans dans le Jihad*, (Paris: DST), spring 2003.

In November 2002 the Tunisian, Lazahr ben Muhammad Tlili, was arrested in France with false documents and the telephone numbers of individuals suspected of terrorist involvement elsewhere in Europe. *The New York Times* said the arrest “underscores how much of a haven France, with its large Arab and Muslim populations, has become for Islamic militants.”<sup>427</sup>

German security officials say that approximately 100 German residents have trained in Afghan terrorist camps.<sup>428</sup> French officials calculate a similar number of French residents and citizens.<sup>429</sup> But the French Muslim immigrant community appears far more flammable. By the same token the weak Salafist presence in Germany means that, compared with France or Britain, recruitment of effective informants is more difficult.<sup>430</sup>

German intelligence has been rounding up a group known as *al-Tawhid* (Unity), reportedly linked to a Zarqawi cell in Italy. One of the leaders is a 23-year-old German Turk. Many of its key personnel trained in Zarqawi’s Afghan camp in the late 1990s.<sup>431</sup>

### **The New Fulda Gap**

If the Berlin *al-Nur* episode, the *al-Tawhid* round-up, the arrest of accomplices in Hamburg and German assurances on the fate of a Hamburg cell today all illustrate the progress Germany has made since September 11, German security officials believe significant gaps remain. One was exposed by Michael Christian Ganczarski, a Polish immigrant of German extraction, who became a key al Qaeda link after September 11. Ganczarski is being held in a French jail charged as a major conspirator in the April 2002 bombing of a synagogue in Djerba, Tunisia that killed 19 people, including several French tourists.

Ganczarski was introduced to Islam by a North African fellow worker. His radicalization was accelerated by a Saudi imam touring European mosques in search of Western-born acolytes. After studying in Medina, Saudi Arabia, the convert trained at an al Qaeda camp in Afghanistan where he met bin Laden. Ganczarski became a key to al Qaeda’s European operations after September 11 thanks to his alleged ties to Khalid Shaikh Mohammed, al Qaeda’s now-jailed

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<sup>427</sup> “France Links Tunisian to Terror Cell in 5 Nations,” *The New York Times*, October 23 2002.

<sup>428</sup> Wegesin Interview.

<sup>429</sup> Clair Interview.

<sup>430</sup> Wegesin Interview.

<sup>431</sup> Urlau Interview; see also Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004.

operational boss.<sup>432</sup> Ganczarski was also an “organizer and the financier” of a plot on the French Indian Ocean island of Reunion.

The Polish-born German *assailer* appears to be the most significant of a roster of European Muslim converts deployed by al Qaeda.<sup>433</sup> Mohammed reportedly controlled the Djerba plot from Pakistan despite the vigilance of U.S. spy satellites which intercepted some of his coded conversations with accomplices. To elude detection he used European Muslim converts such as Ganczarski as intermediaries with the Tunisian suicide bomber, Nizar Nawar.<sup>434</sup> The conversation in which Ganczarski authorized the bombing was recorded by a German police wiretap. Ganczarski was questioned by the German BKA but released for lack of evidence. To what a French counterterrorism official called “general stupefaction,” German authorities granted Ganczarski permission to go to Saudi Arabia which promptly, despite published reports linking Ganczarski to the bombing, granted him a visa. Eventually, yielding to American and German pressures, the Saudis agreed to expel him to Germany via Paris, where he was arrested by the French.<sup>435</sup>

The Djerba plot was reportedly part of a larger effort led by Mohammed to deploy converts. Another was Jose Padilla, the American “dirty bomber,” arrested in Chicago in May 2002 after arriving from Switzerland. In the preceding weeks, Padilla placed four calls to the same phone number for Mohammed that Ganczarski had called, according to the Swiss intelligence report. As described in more detail in Appendix A, here again we see a correspondence between plot and immigration status, in this case second-generation immigrant converts.<sup>436</sup>

The episode also demonstrates a level of European-American cooperation in the war on terrorism that has been obscured by differences over Iraq. At the same time it illustrates persistent German deficiencies – not in information (their officials claim to have had all the

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<sup>432</sup> Jean Louis Bruguiere, remarks to the Nixon Center Workshop on Immigration and National Security, Brussels, Belgium, May 26 2003; Urlau Interview; Sebastian Rotella, “Al Qaeda’s Stealth Weapons; Muslim converts who are drawn to fanaticism,” *The Los Angeles Times*, September 20 2003.

<sup>433</sup> Clair Interview, April 15 2003; Sebastian Rotella, “German Seen as Having Key Al Qaeda Role,” *The Los Angeles Times*, June 12 2003.

<sup>434</sup> Jean Louis Bruguiere, remarks to the Nixon Center Workshop on Immigration and National Security, Brussels, Belgium, May 26 2003; Urlau Interview; Sebastian Rotella, “Al Qaeda’s Stealth Weapons; Muslim converts who are drawn to fanaticism,” *The Los Angeles Times*, September 20 2003.

<sup>435</sup> Bruce Crumley, “How French and American intelligence agencies teamed up to nab a suspected al-Qaeda operative,” *Time International*, June 23 2003; Clair Interview, April 15 2003; Sebastian Rotella, “German Seen as Having Key Al Qaeda Role,” *The Los Angeles Times*, June 12 2003; Sebastian Rotella, “Al Qaeda’s Stealth Weapons; Muslim converts who are drawn to fanaticism,” *The Los Angeles Times*, September 20 2003.

<sup>436</sup> Krause Interview; Clair Interview; April 15 2003; Sebastian Rotella, “Al Qaeda’s Stealth Weapons; Muslim converts who are drawn to fanaticism,” *The Los Angeles Times*, September 20 2003.

evidence) but in law, structure and judgment. German states refuse to share information among themselves or with the federal secret service; the secret service does not share with the police; a state *Verfassungschutz* is unlikely to share with a federal *Verfassungschutz*. The fear of a new Gestapo is alive and well in post-9/11 Germany.

Critics in Germany's security apparatus regard the post-9/11 legislation as half-hearted, constrained by the confidence widely shared in Europe that a 9/11 cannot happen on the continent.<sup>437</sup> In the United States, politics induces officials to widely disseminate a color-coded terror alarm system, reassuring the public that terrorism is being taken seriously. In Germany and elsewhere in Europe, the political calculus works in the opposite direction: do not cause unnecessary alarm.<sup>438</sup>

The issue came to the fore in January 2004 when a fierce row erupted between Hamburg and federal authorities over the former's disclosure of a suspected al Qaeda attack on a military hospital in northern Hamburg. Streets were sealed off while armed police patrolled the area with sniffer dogs, obliging residents and hospital staff to undergo security checks. Interior Minister Schily complained that "indications were prematurely revealed in public..." Hamburg's Interior Minister replied that federal and state authorities informed him in writing "about the concrete risk of a terror attack." The Hamburg branch of the German Agency for Internal Security backed the Hamburg official. The incident demonstrated both the political sensitivity of disclosing terrorist threats and the continued divisions between state and federal authorities in Germany.<sup>439</sup>

### **Where We Least Expect It**

September 11 made Americans worry about Germany. Then the storm over Iraq convinced many Americans that their problem was with France. Through it all Britain appeared as America's reliable ally. However, Germany's Muslim community is relatively peaceable. The French state is at the cutting-edge of counterterrorism. April 2003's British bombers could portend that, once again, the blow may come when our backs are turned.

After two second-generation British Muslims carried out suicide bombings in Israel in May 2003, the British newspaper *The Independent* reported:

Sources close to MI5 and Special Branch admit that the pair were unknown to both agencies. Nor do they know how many other disaffected British Muslims might be prepared to stage

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<sup>437</sup> Wegesin Interview.

<sup>438</sup> Wegesin interview; Iken Interview; Angenendt Interview; Klingst interview.

<sup>439</sup> "German police hold grip around hospital after terror warning," *Agence France Presse*, December 31 2003; Richard Bernstein, "German Police Seal Off Hospital in Hamburg in Terror Alert," *The New York Times*, December 31 2003.

similar attacks....This raises the spectre of a generation of young British Muslim men who have become more susceptible to targeting by extremists.<sup>440</sup>

As we have said, Britain is still playing a central logistical role for the militants, with extremists regularly using the UK as a safe haven. Other radical activists are using Britain for fundraising, massive credit card fraud, the manufacture of false documents and planning. Recruitment is also continuing. In one bugged conversation, a senior militant describes London as “the nerve center” and says that his group has “Albanians, Swiss [and] British” recruits. He needs people who are “intelligent and highly educated.” He says and implies that the UK can, and does, supply them.<sup>441</sup>

But British authorities say the country’s role in coalition operations in Afghanistan and Iraq has abrogated the tacit contract whereby al Qaeda inc. were content to employ Britain as a recruiting, propaganda and financing safe haven. These authorities believe that the shift to home-grown attackers coupled with the pursuit of UK targets in Britain and abroad has dire implications for Britain, leading them in November to raise the threat level in the country.<sup>442</sup> This shift may also be the case in Italy and Spain, whose support for the U.S.- led war in Iraq may provoke the ire of the terrorists.

Now Britain and British interests abroad are considered a target, as illustrated by the ricin episode in January 2003 and by the terrorist attacks reportedly carried out by terrorists linked to an al Qaeda network on a British consulate and bank in Turkey in November.<sup>443</sup> Police analysts now believe there may be as many as 60 potential suicide bombers in the UK. They say such men are not “members” of any one group called al Qaeda but are “fellow travelers” who revere bin Laden and consider it their duty to answer his repeated calls to action.<sup>444</sup>

Recent al Qaeda-related attacks have been performed not, as in the past, by alien terrorists but by bombers in their home countries. That was the case with Riyadh in May 2003, Casablanca four days later, Pakistan at about the same time, and with the November 2003 attacks

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<sup>440</sup> Paul Lashmar et al, “Six more arrests as security services warn there could be more British suicide bombers,” *The Independent* (UK), May 4 2003.

<sup>441</sup> Antony Barnett et al, “Terror cells regroup – and now their target is Europe,” *The Observer* (London), January 11 2004.

<sup>442</sup> Daniel McGrory, “The new enemy within,” *The Times* (London), December 6 2003.

<sup>443</sup> Daniel McGrory, “The new enemy within,” *The Times* (London), December 6 2003; David Leppard and Nick Fielding, “Race against time in hunt for Britain’s Al-Qaeda sleepers,” *Sunday Times* (London), November 30 2003; Ewen MacAsskil, Britain plans to move embassies to safer sites: Fear of attack by al-Qaida prompts costly worldwide exercise,” *The Guardian* (UK) January 16 2004, Luke Harding et al, “World alert on cars of death terror attacks: Al Qaida linked group claims it killed British consul,” *The Guardian* (UK) November 22 2003.

<sup>444</sup> Jason Burke, “Race to uncover terror cells: Police launch series of house raids across Britain amid fears militants are about to ‘go operational,’” *The Observer* (UK), November 30 2003.

in Istanbul. The post-9/11 search in Britain had concentrated solely on bin Laden's foreign recruits.

The shift from foreign to homegrown terrorists was especially unsettling to MI5 in part because the security service thought that it had taken measure of the foreign cells. But recent events have focused UK security attention on new "lilywhites," a term originally applied to English citizens recruited for terrorist operations by the Irish Republican Army. Muslim sleepers have South Asian links, but likewise they were born and bred in Britain and disguise their dangerous liaisons until called upon to act. They do not don Muslim attire or frequent radical mosques and are without criminal records. They are often successful young entrepreneurs or experts in technology.<sup>445</sup>

Alarms went off after the arrest of an Islamic sleeper in the unlikely setting of Gloucester, which does not have a substantial Muslim population and is not close to an obvious target. Those in Gloucester's close-knit Muslim community who knew the 24-year-old Sajid Badat called him a "walking angel," a devout adherent of his religion who excelled at school and was training to be an imam at the College of Islamic Knowledge in Lancashire. He played soccer on Sundays but not after his return to Britain, having spent half a decade traveling in Pakistan, Afghanistan, India and Saudi Arabia. Reportedly he trained at the *Khaled* camp south of Kabul, where the shoe bomber Richard Reid was taught. That is reputed to be the site for suicide bombers to be deployed in Europe. Intelligence sources who tracked Badat since his return said they believed he was a potential British Muslim suicide bomber.<sup>446</sup>

British intelligence sources say the Gloucester man's "profile" is similar to that of the two April British suicide bombers – well-educated British-born Asians. At least six Britons have so far attempted to blow themselves up in suicide operations.<sup>447</sup> Authorities questioned Badat about his links to the Finsbury Park mosque. Security insiders said the arrest of Badat is just the

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<sup>445</sup> Daniel McGrory, "The new enemy within," *The Times* (London), December 6 2003.

<sup>446</sup> Andrew Johnson et al, "The War On Terror: Is This The First Evidence Of A Suicide Bomb Plot In Britain?" *Independent on Sunday* (London), November 30 2003; David Leppard and Nick Fielding, "Race against time in hunt for Britain's Al-Qaeda sleepers," *Sunday Times* (London), November 30 2003.

<sup>447</sup> On the April British suicide bombers see Anton La Guardia et al, "British bombers posed as peace activists," *The Daily Telegraph* (London), May 2 2003; Nick Britten et al, "What turned two happy teenagers into hate-driven suicide bombers?" *The Daily Telegraph* (London), May 2 2003; Vikram Dodd, et al, "Polite and caring sons who turned to terror," *The Guardian* (London), May 2 2003; Simon O'Hagan, "Many people in Derby cannot accept that a privileged, well-educated boy grew up to be a suicide bomber. But not everyone." *The Independent* (London), May 4 2003; Martin Bright and Fareena Alam, "From Pacifism to Jihad," *The Observer* (UK) May 4 2003; Nick Fielding, "Passport to terror," *Sunday Times* (London), May 4 2003; Sarah Lyall, "What Drove 2 Britons to Bomb a Club in Tel Aviv?" *The New York Times*, May 12 2003.



tip of the iceberg of suspected jihadists in Britain.<sup>448</sup> Indeed, Badat's arrest came just after Britain's terrorist threat indicator was raised to its second-highest level when intelligence suggested an "al Qaeda" plot against domestic targets such as Heathrow airport, Canary Wharf or the City of London.<sup>449</sup>

According to a recent report in the London *Times* many of the sleepers "are integrated so deeply into the Muslim community that they are proving almost impossible to detect. Some are believed to be British citizens." They are thought to be based in the Midlands and the north of England but "MI5 has so far failed to penetrate the units." MI5's Director General told cabinet ministers that the large number of potential suspects and the fact they are nestled within the law-abiding Muslim community made her task "virtually impossible." The difficulty, she explained, was compounded by the fact that many of the "sleepers [are] young men with no criminal records who are not known to the police." MI5 and Special Branch are thought to be running as many as 10 covert surveillance operations against suspected Islamist terrorists. Insiders say there are at least two cells formed by al Qaeda members operating in Britain.<sup>450</sup> In February the Home Office announced that the budget of the MI5 would be raised by 50 percent to pay for an additional 1,000 officers to meet the terrorist threat. The Home Office hopes to hire many of the new recruits from ethnic minorities with the language skills to infiltrate jihadist groups.

According to the *Sunday Telegraph*,

The sharp increase in the number of spies will be the central feature of the biggest shake-up of the security services since the Second World War. It will make MI5, which specialises in threats to Britain internally, one of the biggest and most well-resourced security services in the world.<sup>451</sup>

Compounding the worry about homegrown sleeper cells is the new emphasis on recruiting converts. There are approximately 10,000 recent British converts to Islam, of whom only a "small handful" are thought to be connected with extremist groups. But "finding that small handful is our absolute nightmare," according to a police source. Before it became illegal, radical clerics claimed on their websites that some of these converts were among al Qaeda's

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<sup>448</sup> Jason Burke, "Race to uncover terror cells: Police launch series of house raids across Britain amid fears militants are about to 'go operational,'" *The Observer* (UK), November 30 2003; David Leppard and Nick Fielding, "Race against time in hunt for Britain's Al-Qaeda sleepers," *Sunday Times* (London), November 30 2003.

<sup>449</sup> Andrew Johnson et al, "The War On Terror: Is This The First Evidence Of A Suicide Bomb Plot In Britain?" *Independent on Sunday* (London), November 30 2003; Keith Sinclair, "Threat from chemical or biological attack," *The Herald* (Glasgow), November 28 2003.

<sup>450</sup> David Leppard, "MI5 hunts two Al-Qaeda cells in Britain," *Sunday Times* (London), November 23 2003; David Leppard and Nick Fielding, "Race against time in hunt for Britain's Al-Qaeda sleepers," *Sunday Times* (London), November 30 2003.

<sup>451</sup> David Bamber, "1,000 new MI5 spies to fight terror war," *Sunday Telegraph* (UK), February 22 2004.

foreign legion fighting in Afghanistan or Chechnya. They called such men their “White Moors.” Three of nine Britons detained in Guantanamo Bay are Roman Catholics who converted to Islam.<sup>452</sup> As Richard Reid showed, the Visa Waiver Program makes it child’s play for a British citizen to board a plane bound for the U.S.

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<sup>452</sup> Daniel McGrory, “The new enemy within,” *The Times* (London), December 6 2003.

## VIII. Policy Issues and Conclusions

*The following proposals cannot claim to be comprehensive. To make that claim they would have to treat several matters not dealt with here, some of which transcend the boundaries of immigration/national security. We would argue for an identification card (perhaps via standardization of state licenses with biometric indicators) to be required for entry on airlines, purchase of fertilizers and so forth. We would certainly devote more attention to the Canadian border, a preferred jihad access route to America and to that country's asylum regime. We would also pay more mind to student visas. But time and space being what they are, we have confined ourselves to discussing only those areas where we now may have something useful to contribute.*

### **The Visa Waiver Program**

In the previous chapter we saw that al Qaeda has been recruiting heavily in Europe. Under the Visa Waiver Program (VWP) tourist and business travelers from these and other Western European countries are admitted to the U.S. for up to 90 days without obtaining a visa from an American consulate overseas as is required for most other visitors.<sup>453</sup> VWP allows citizens of 27 countries who have been granted passports to enter the U.S. without any vetting by an American consulate.

We know that al Qaeda has been on the lookout for light-skinned Europeans and has been recruiting Western converts. We have focused attention on France and Britain, two countries with significant concentrations of radical Muslims and Western converts. Of the two, Britain, with 60 suspected suicide bombers and a recruitment operation focusing on home-grown operatives and converts, is of particular concern because of the ease with which English-speaking militants with British passports could operate in the United States. Richard Reid and Zacarias Moussaoui, who were then residing in Britain, both entered the United States under the VWP.

In 1999 a report by the Inspector General of the Justice Department (IG) found that terrorists had applied under the VWP “because they believed that they would have a greater chance of successful entry.”<sup>454</sup> The GAO points out that “The U.S. government has not systematically collected data on how frequently potential terrorists... have entered the United

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<sup>453</sup> Canadians do not need visas under another arrangement nor do those living in the Mexican border region, but the latter must obtain machine-readable Border Crossing Cards.

<sup>454</sup> *The Potential for Fraud and INS's Efforts to Reduce the Risks of the Visa Waiver Pilot Program*, (Washington DC: U.S. Department of Justice, Office of the Inspector General), March 1999.

States under the program.”<sup>455</sup> The accessibility of this program to English-speaking, passport-eligible Western European jihadists is a source of grave concern. How will immigration officials at ports of entry (POEs) begin to distinguish these European citizens with European passports and faces?<sup>456</sup>

To be sure, an individual from a visa waiver country must still pass through the second gate in our system: inspection at the POE by an official of what used to be the INS but is now part of DHS, Customs and Border Protection (CBP). Under the U.S.A. Patriot Act travelers from visa waiver countries were required to present machine-readable passports with biometric features by October 1 2003. The Department of Homeland Security granted 21 visa waiver countries (including Western European countries excepting Belgium) a postponement until October 26 2004. Recently European countries have notified the U.S. that they cannot meet that deadline; some of these countries say they may need as many as two more years. Thus currently and for the foreseeable future the US VISIT program will not apply to visa waiver travelers.

As of December 1 2003 POE inspectors were supposed to have access to a coordinated terrorist watch list from the Terrorist Screening Center, but such a watch list has not been developed (see below). Moreover, on several occasions government examiners found that POE inspectors were not querying passport numbers against watch lists. In 1999 after such a finding by the Inspector General, the INS issued a new policy memorandum requiring inspectors to check passport numbers of all visa waiver applicants. But in a December 2001 “Follow-Up Report on the Visa Waiver Program” the IG found that the new policy had “not been fully disseminated or uniformly implement by INS field personnel” and that “the passport number of each VWP applicant is not being consistently checked against the TECS/IBIS (Treasury Enforcement Communications System/Interagency Border Inspections System) lookout system” (watch lists).<sup>457</sup> In November 2003 the analyst responsible for the General Accounting Office (GAO) report on the VWP informed us that DHS inspectors “do not always use the lookout system” (watch lists) when checking visa waiver entrants.<sup>458</sup> One month later the Center for Immigration Studies found that “the government still is not checking the names of all aliens from ‘visa waiver’ countries against terrorist watch lists at ports of entry, though it was required to do

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<sup>455</sup> *Border Security: Implications of Eliminating the Visa Waiver Program*, (Washington DC: United States General Accounting Office), November 2002: 3.

<sup>456</sup> Sebastian Rotella, “Al Qaeda’s Stealth Weapons,” *The Los Angeles Times*, September 20 2003.

<sup>457</sup> *Follow Up Report on the Visa Waiver Program*, (Washington, D.C.: Department of Justice, Office of the Inspector General), December 2001.

<sup>458</sup> Personal Interview with La Verne G. Tharpes, Senior Foreign Affairs Analyst, International Affairs and Trade Team, GAO, Washington D.C. November 20 2003.

so immediately upon enactment of the visa tracking law (Enhanced Border Security and Visa Entry Reform Act of 2002).<sup>459</sup> Moreover, the GAO reported in November 2002 that the INS (now DHS) had not yet implemented “an automated nonimmigrant entry-exit control system to monitor aliens using the program” as mandated by “the 1986 law creating the Visa Waiver Pilot Program” and reiterated when the Program was made permanent by Congress in October 2000.<sup>460</sup>

Even if someday visa waiver passports were to be checked regularly against watch lists, there is no guarantee that a prospective terrorist would appear on the watch list. That assumes excellent security surveillance by the sending state, something not always the case in Western Europe any more than it is in the United States. Moreover, even if implemented, these fixes will not entirely solve the problem. European citizens with clean records, of the sort al Qaeda inc. reportedly are recruiting, will be eligible for such passports and probably will not appear on terrorist watch lists.

DHS officials assure us that the visa waiver problem will be resolved at ports of entry.<sup>461</sup> But if resources are better spent on improving the inspection process at POE, then why do we need the visa process at all? The country was recently given the answer to that question at the hearings of the independent commission investigating the 9/11 attacks. The testimony by the immigration inspector who prevented the Saudi now believed to be the “20th hijacker,” Mohamed al Kahtani, from entering the country at Orlando International Airport on Aug. 4, 2001 demonstrated that there is no substitute for a face-to-face interview. Al Kahtani’s documents appeared to be genuine. A check of his name, birth date, and passport number revealed nothing suspicious. But in the interview it turned out that he had no hotel reservations, no return airline ticket and did not know his destination upon leaving the U.S. He claimed someone was waiting to meet him at the airport, but reversed himself when the inspector asked who that was (we later learned it was Mohammed Atta). Kahtani refused to give a sworn statement, which could provide legal grounds to refuse his entry into the country. “What came to my mind at this point was that

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<sup>459</sup> Rosemary Jenks and Steven A. Camarota, *Falling Behind on Security: Implementation of the Enhanced Border Security and Visa Entry Reform Act of 2002*, (Washington, D.C.: Center for Immigration Studies), 2003.

<sup>460</sup> PL99-603; PL 106-396; see *Border Security: Implications of Eliminating the Visa Waiver Program*, (Washington DC: United States General Accounting Office), November 2002: 15.

<sup>461</sup> “We’re going to have an entry-exit system based on a machine-readable passport, so we’ll be able to verify and validate they are who they claim to be.” DHS Secretary Tom Ridge on CNN, August 3 2003. Similarly, at a November 2003 meeting at the German Marshall Fund Asa Hutcherson, Undersecretary of DHS for Border and Transportation Security, stated that the problem was dealt with by the new requirement that all visa waiver travelers have machine-readable passports with biometric data.

<sup>461</sup> Martin and Martin 2004.

this subject was a hit man,” testified Jose Melendez-Perez, a veteran immigration inspector at the POE. When the interview gave the inspector “the chills,” Kahtani was refused entry.<sup>462</sup>

Proponents urge that rather than suspend the VWP we should cooperate with the visa waiver countries to identify and prosecute nationals with terrorist links.<sup>463</sup> In the best of cases the passport itself could serve the purpose of a visa. With countries like France that may be a secure option, but can we count on effective surveillance by all European countries? In any case will passport eligibility as determined by a foreign government pass muster with Congressional overseers?

One index of international cooperation is the reporting of stolen passports. But failure to report stolen passports is the second serious problem with the VWP. Our survey of 212 arrested terrorists found that many entered with fraudulent passports (including several of the hijackers). Visa waiver countries are particularly attractive to the terrorist because a passport alone assures entry. That makes both a legitimate and a fraudulent passport more valuable. Currently “visa waiver countries are not obligated by statute to report information on stolen passports to the United States.”<sup>464</sup> Mainly for this reason, “not all VWP countries consistently provide complete and timely notification of missing blank passports.”<sup>465</sup>

Passport theft generally, and terrorist-related passport thefts in particular, are serious problems in Western Europe. For example: in 2001 Belgium submitted a list of 4-5,000 numbers of stolen blank passports.<sup>466</sup> Two French converts from Catholicism, associates of the GIA/GSPC (*Groupe Salafiste Pour La Predication et le Combat*) terrorist groups, provided the false passports carried by the two Tunisians who assassinated Ahmed Shah Massoud, the leader of the Northern Alliance in Afghanistan on September 10, 2001, in the event that prefigured the September 11 attacks.<sup>467</sup> As we saw in Chapter VIII, German authorities arrested a Tunisian al Qaeda associate who entered the country on a false Portuguese passport similar to one used by

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<sup>462</sup> *Entry of the 9-11 Hijackers into the United States* (Washington, D.C.: The National Commission on the Terrorist Attacks upon the United States), 2004: 8. Charlie Savage, “Inspector Recalls Would-Be Hijacker Saudi Denied Us Entry At Fla. Airport In 2001 Was Al Qaeda Fighter,” *Boston Globe*, January 27 2004.

<sup>463</sup> Martin and Martin 2004.

<sup>464</sup> Testimony of Glenn A. Fine, Inspector General, United States Department of Justice, to the House Committee on the Judiciary, February 28 2002.

<sup>465</sup> *Follow Up Report on the Visa Waiver Program*, (Washington, D.C.: Department of Justice, Office of the Inspector General), December 2001.

<sup>466</sup> *Follow Up Report on the Visa Waiver Program*, (Washington, D.C.: Department of Justice, Office of the Inspector General), December 2001.

<sup>467</sup> Matthew Campbell, “How They Killed the Afghan Lion,” *The Sunday Times* (UK), September 23 2001; Joseph Fitchett, “Did Bin Laden Kill Afghan Rebel?” *International Herald Tribune*, September 17 2002; Burke 2003: 197.

other Islamist terrorists, one of a batch of 500 stolen from the Portuguese consulate in Luxembourg.

It is not difficult to conceive how European Islamic terrorists could utilize these stolen blank passports to reach the United States. To make matters worse, the IG found that even when received from foreign governments at consular offices abroad and forwarded to State Department headquarters, “information about missing passports is not consistently being forwarded to the Lookout Unit.” Yet even when forwarded, missing passport numbers are not being entered in a timely fashion. Backlogs run as high as 1,600 as a result of understaffing at the Lookout Unit.<sup>468</sup>

The State Department and the INS (now DHS) recently looked into aspects of the passport process in six visa waiver countries (Argentina, Belgium, Italy, Portugal, Slovenia and Uruguay). Argentina and Uruguay were subsequently removed from the program because of concerns that economic crisis and political instability could increase illegal immigration. Illegal immigration from those countries (with a minuscule Muslim presence) hardly compares from a national security standpoint with the danger of terrorist infiltration from Belgium (or other European countries). Belgium was selected for review “because of repeated thefts of blank passports.”<sup>469</sup> The GAO notes that “Laws passed since September 11 affect a country’s qualifications for participating in the (VWP)” and points to the law requiring VWP countries to issue passports with biometric indicators.<sup>470</sup>

Should we contemplate suspending the VWP in certain countries as some in Congress have advocated? This question unwraps a real homeland security and foreign policy dilemma. The State Department Bureau of Consular Affairs is already strained to enforce more stringent visa scrutiny involving longer interviews and thus more staff time. Moreover there are comparatively low rates of visa abuse in European visa waiver countries, such that reinstating visa requirements, without very substantial appropriations to State and DHS (running into hundreds of millions or even billions of dollars), would divert staff from countries with higher rates of visa abuse.<sup>471</sup>

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<sup>468</sup> *Follow Up Report on the Visa Waiver Program*, (Washington, D.C.: Department of Justice, Office of the Inspector General), December 2001.

<sup>469</sup> *Border Security: Implications of Eliminating the Visa Waiver Program*, (Washington DC: United States General Accounting Office), November 2002: 12.

<sup>470</sup> *Border Security: Implications of Eliminating the Visa Waiver Program*, (Washington DC: United States General Accounting Office), November 2002: 7.

<sup>471</sup> The State Department estimates that if the VWP were suspended, the number of visa applicants would rise by about 14 million. GAO estimates initial costs to process the additional work load at somewhere between \$739 million and \$1.28 billion and yearly costs between \$522 million and \$810 million (depending on the percentage

Some relief from this quandary may lie in the post- 9/11 electronic passenger manifest procedures that require airlines to submit information on passengers prior to their arrival to, and departure from, the United States. DHS has pilot projects using these procedures ongoing in Atlanta and at the Baltimore Washington International (BWI) airport. Fifteen minutes after “wheels-up,” passenger information is transmitted to DHS where it is checked against watch lists. Inspectors at the POE can be notified to detain suspects for questioning. This is a classic immigration/national security moment when passengers are suspended between two countries for several hours so that their background can be checked.

But as we were reminded again in Paris in December 2003, there is always the danger that the very terrorist sought en route may be by then in the process of hi-jacking the plane.<sup>472</sup> Eventually this system will be improved with the implementation of CAPPS II (Computer Assisted Passenger Pre-Screening System) which will operate even before take-off. But there is still the danger that terrorists will use false identities or not appear on watch lists.

The best solution may be to place DHS officers at check-in counters for U.S.-bound flights from European airports. We have Secret Service agents abroad as well as a DHS program (Immigration Security Initiative) that places agents at several overseas airports. DHS involvement is now deemed essential for the visa process in capitals like Abu Dhabi, Cairo, Casablanca, Jakarta, Islamabad and Riyadh (and Jeddah), where DHS has recently opened law enforcement offices specifically to investigate visa applicants suspected of ties to al Qaeda and other terrorist groups.<sup>473</sup> Why are they not necessary in Amsterdam, Brussels, London, Madrid, Paris and Rome, where al Qaeda has specifically been recruiting Western-looking individuals, presumably for entrance into the United States? Are we failing to take into account that Western Europe also has become a zone of Islamic claim and conflict, of terror acts, organizations, propaganda and active recruiting?

DHS investigations also could be useful in Europe where certain travelers such as students and workers still need visas. In addition DHS offices in Europe could coordinate cooperation with national security, police and passport officials – introducing the safeguards of a

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interviewed and other variables). *Border Security: Implications of Eliminating the Visa Waiver Program*, (Washington DC: United States General Accounting Office), November 2002: 25.

<sup>472</sup>Sebastian Rotella, Josh Meyer and Greg Krikorian, “6 Flights Canceled as Signs of Terror Plot Point to L.A.; Investigators have an ‘informed belief’ that several men in France with ties to Al Qaeda, one a trained pilot, wanted to hijack a jet,” *The Los Angeles Times*, December 25 2003.

<sup>473</sup> Philip Shenon, “Homeland Security Dept. Planning 7 Offices Overseas to Screen Visas,” *The New York Times*, October 7 2003.



visa. This suggestion would take the concept of “smart borders” one step further. Today we place (DHS) customs agents in major sea ports (such as Rotterdam and Hong Kong) and even at company shipping docks where goods are shipped regularly to the United States. That extends borders outward making transit quicker, handling what we can away from the crowded border. It is a form of international cooperation which after September 11 has become routine with Mexico and Canada.

The Assistant Secretary for Policy, Border & Transportation Security at DHS will pursue negotiations with the European Commission on this issue. European countries have privacy concerns about permitting access to this type of data. But this will be the only information received for VWP individuals before their arrival since they will not be subjected to the interview and potential background check involved in the visa process. This procedure does not cover those VWP arriving at land or sea borders, though there is more leisure to check individuals as they enter.

We should tread lightly in an area in which immigration/national security policy involves foreign policy (procuring intelligence is another). We would pay a serious diplomatic price for terminating the VWP as we have for making the visa process more arduous. Students, tourists and business people who come to the United States contribute not only to our education, travel and commerce, but also are usually well disposed to our country. In the current anti-American climate, to lose these friends would represent another serious public diplomacy reverse. By the same token, we should review the practice of adjusting fees for visas in order to pay for our new security adjustments. Such policies only convince foreigners, especially students who can ill afford them, that we are out to exploit them and add force to current anti-American propaganda.

Our present disposition is that rather than contemplating a wholesale termination of the VWP we should consider the following steps:

- Explore placing DHS agents at European airport check-ins for flights into the United States. One of their tasks would be to observe and when appropriate interview and run background checks on VWP participants.
- Assess the feasibility and effectiveness of combing the electronic passenger manifest systems now being tested with POE/DHS background checks.
- Tighten and/or broaden criteria used in periodic reviews of VWP countries so as to take into account terrorist recruiting and passport-issuance procedures.

- When necessary reevaluate specific countries with the prospect of review, or ultimately termination, in specific cases.

These measures may help persuade Western European countries to understand our concerns and encourage them to increase security cooperation where necessary. *Access to our market can be a means to increased security.*

But this project must be approached in a cooperative spirit. Some basic strategic principles emerging from our study of the threat of the Global Salafist Jihad should be observed. If jihadism is the most serious danger to U.S. national security, it is not only the U.S. but Western civilization that is their eminent target. Osama bin Laden has declared his enemies to be “Jews and Crusaders,” i.e. Israel and the West. Islamic terrorism is the latest “anti-imperialist” movement (with many characteristics of totalitarianism, both of communism and fascism: same social base, vanguard party, animus versus the West, etc.). U.S. interests are allied with those of Europe (& Israel) as fellow targets; we are each threatened by jihadism and have a powerful basis for cooperation.

September 11 showed that the conflicts of the old “arc of instability,” as they were called during Cold War, have entered the “zone of peace.” That has happened mainly via migration, directly and indirectly. But Western Europe faces the greater danger because of large and often alienated Muslim immigrant populations, a breeding saucer for extremism and terrorism. Europe’s Islamic terrorism problem has come to the United States once and can come again. That makes the VWP a source of concern. But suspending VWP would seriously impair prospects of an anti-terrorist front with Europe. Thus: *mend VWP don’t end it.*

### **Watch Lists: Intelligence and Immigration**

For consular officials considering visa applicants, the immigration inspector at the POE, the border patrol officer apprehending an illegal crosser, the FBI agent monitoring a nuclear plant, the airline official screening boarders, the local policeman investigating an individual photographing a bridge, the Secret Service agent at the entrance to the White House and the private security officer guarding a busy mall, a basic implement is the *watch list*.

A watch list is an automated database supported by analytical capabilities. A watch list provides decision-makers with information about individuals who are known or suspected terrorists and criminals, so that these individuals can be prevented from entering the country, apprehended while in the country, or apprehended as they attempt to exit the country. According to the President’s July 2002 Homeland Security Strategy, in the aftermath of the September 11

attacks it was clear that vital watch list information stored in numerous and disparate federal databases had not been accessible. In particular, federal agencies that maintained information about terrorists and other criminals had not consistently shared that information. The strategy attributed these limitations in dissemination to legal, cultural, and technical barriers with the result that watch lists were developed in different ways, for different purposes, and in isolation from one another. The strategy called for integrating and reducing variations in watch lists, overcoming obstacles to sharing the lists, consolidating federal watch lists, building and continually updating “a fully integrated, fully accessible terrorist watch list,” incorporating both biographical information and biometric data.<sup>474</sup> First the FBI, then the DHS and then the FBI again were charged with responsibility for developing architecture for integrating watch lists.<sup>475</sup>

Yet as of January 2004 according to congressmen, law enforcement officials and counterterrorism experts the U.S. government, despite administration promises and Congressional mandates, still does not possess the most basic tool required to fight international terror: an accurate, up-to-date watch list of suspected terrorists and their supporters. Six cabinet departments (State, Homeland Security, Treasury, Transportation, Justice, and Defense) and nine U.S. agencies continue to work from at least 12 different, sometimes incompatible, often uncoordinated and obsolete databases. These lists are also used by at least 50 federal, state, and local agencies. Congressmen were disappointed to learn that the screening center had not been used to check the identities of passengers on suspect flights during the December 2003 orange alert.

Congress has been calling for a unified, accurate terrorist watch list since it emerged that two individuals connected to the 1993 World Trade Center bombing, Sheik Abdel Rahman and Ali Mohammed, were on an FBI watch list but still managed to obtain visas, in part because the State Department and INS did not have access to FBI data. Those calls became far louder after September 11. The Congressional Intelligence Committee’s Joint Inquiry into the September 11 Attacks noted the repeated failure of intelligence agencies to disseminate crucial information among themselves, still less to other federal agencies (such as State, INS and the Federal Aviation Administration), to policy-makers or to state and local agencies.<sup>476</sup> The CIA tracked two of the hijackers from Kuala Lumpur but did not add their names to FBI and INS watch

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<sup>474</sup> *National Strategy for Homeland Security*, (Washington, D.C.: Office of Homeland Security), July 2002.

<sup>475</sup> Shaun Waterman, “Terror watch list merger still not done,” *United Press International*, January 14 2004.

<sup>476</sup> JI Finding 10.

lists.<sup>477</sup> The Joint Inquiry recommended the consolidation of watch lists as did several post-September 11 Congressional acts, including the Homeland Security Act, the USA Patriot Act, and the Enhanced Border Security and Visa Entry Reform Act, which mandates increased sharing of homeland security information both among federal agencies and across all levels of government.<sup>478</sup>

Nonetheless, on April 30, 2003 the GAO reported that efforts to consolidate the numerous watch lists spread across nine different agencies were not advancing and that the lack of standardization and consolidation was hampering control of U.S. borders.<sup>479</sup> Government sources say that the Department of Homeland Security has been unable to get the office of the White House Counsel to compel cooperation on this issue even though President Bush has on several occasions expressed his commitment to consolidating watch lists. Such a consolidation would better target terrorists and considerably reduce the chances of misidentification and the confusion that it causes. Nonetheless, as recently as December 2003 the FBI misidentified several individuals plotting to hijack an Air France jet and crash it in California. The gaffe caused confusion, risked rekindling quarrels with the French and embarrassed the United States.<sup>480</sup> The French foreign ministry spokesperson said that the events would not affect French willingness to cooperate with American warnings in the future: “The risk is too great not to take every warning seriously.”<sup>481</sup>

Nor was this the first or the last time such misidentifications have caused conflict with foreign countries. Over the summer there was an unpublicized incident with the Australians, and subsequent to the Christmas fiasco there were similar brushes with the Mexicans and the British, all resulting from inaccurate U.S. watch lists.<sup>482</sup>

The recent dust-ups followed a September agreement between the White House, the CIA, the FBI and the DHS to establish the Terrorist Screening Center or TSC, an interagency body that would create, maintain and control a master terrorist database.<sup>483</sup> The DIA and the

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<sup>477</sup> JI: 143-150.

<sup>478</sup> P.L. 107-296, section 202; P.L. 107-56; P.L. 107-173.

<sup>479</sup> *Information Technology: Terrorist Watch Lists Should Be Consolidated to Promote Better Integration and Sharing*, (Washington DC: GAO), April 30 2003.

<sup>480</sup> Amanda Ripley, “Grounded By Terror,” *Time*, January 12 2004; Eric Lichtblau, “British Cancel Another Flight Bound for U.S.,” *The New York Times*, January 3 2004; Dana Priest and Sara Kehaulani Goo, “Three Air Routes Are Focus of Scrutiny,” *The Washington Post*, January 4 2004.

<sup>481</sup> Robert Block, et al, “U.S. ‘Terror’ List Still Lacking” *The Wall Street Journal*, January 2 2004.

<sup>482</sup> Robert Block, et al, “U.S. ‘Terror’ List Still Lacking” *The Wall Street Journal*, January 2 2004.

<sup>483</sup> Asa Hutchinson, Prepared Statement to the Senate Committee on the Judiciary, September 30 2003.

NSA will also contribute to this product, so that we have a nexus involving at least six governmental organizations.

The TSC went into operation on December 1, 2003. It was designed to ensure that government screeners were working from the same unified set of anti-terrorist information. The TSC was designed to consolidate terrorist watch lists and provide constant operational support for federal screeners. According to the memorandum signed by Tom Ridge, Secretary of State Powell, CIA director George Tenet and Attorney General John Ashcroft, the TSC would be run by the FBI using the State Department's watch list, known as TIPOFF, as the backbone of a new database that would integrate all other existing databases into a new state-of-the-art system. In compiling a new list, TSC operatives would weed out duplications and outdated data, removing those who in the past had been wrongly identified as terrorists or who had the misfortune to share the same name as suspected terrorists. The TSC would also integrate new technologies to include biometric data as well as distinguishing scars and birthmarks, plus credit-card accounts and other details to help distinguish actual suspects from innocuous namesakes. The FBI counterintelligence division notified law enforcement agencies across the country that the TSC would "serve as the single point of contact for law enforcement authorities requesting assistance in the identification of subjects with possible connections to terrorism." It did however caution that the TSC's initial capabilities would be "limited."<sup>484</sup> Attorney General John Ashcroft stated that: "The creation of the new center means that all government agents will be able to run name checks against the same comprehensive list with the most accurate, up-to-date information about potential terrorists."<sup>485</sup>

However, Congressmen were disappointed to learn that the TSC was not even used to check the identities of passengers on suspect flights during the orange alert in December, nor was it consulted when U.S. intelligence picked up information, including the names of supposed terrorists, about the potential Paris Christmas hijacking. Delays on flights from Europe were prolonged, according to the head of British Airways "due, in part, to the fact that a total of 22 different agencies claimed a reason to check one passenger list."<sup>486</sup>

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<sup>484</sup> Robert Block et al, "U.S. 'Terror' List Still Lacking," *The Wall Street Journal*, January 2 2004.

<sup>485</sup> Drew Clark, "Officials Announce New Center To Consolidate Watch Lists," *National Journal's Technology Daily*, September 16 2003.

<sup>486</sup> Robert Block et al, "U.S. 'Terror' List Still Lacking," *The Wall Street Journal*, January 2 2004.

<sup>486</sup> Shaun Waterman, "Terror watch list merger still not done," *United Press International*, January 14 2004; Robert Block et al, "U.S. 'Terror' List Still Lacking," *The Wall Street Journal*, January 2 2004.

The TSC judged the State Department watch list (TIPOFF) to be adequate in principle but lacking in resources. The TSC has subsumed that watch list, added resources and improved the flow of data. TSC is staffed to take calls from police requesting basic background checks.

The watch list is an intelligence product which depends on securing good information directly (e.g. through interrogations of prisoners or intercepts) or indirectly (via foreign intelligence liaison). It entails the collection, analysis and dissemination of that information. Scrutiny requires accessible watch lists based on timely information and capable political analysis. But intelligence services are reluctant to list those they are following for fear of alerting them or revealing sources.

A “one size fits all” solution is inappropriate. Whereas the consulate has two weeks to do a background check on a visa applicant, the inspector at POE has only minutes. Eco-terrorists should not be integrated into a watch list designed to prevent the entry of international terrorists. The GAO has called for DHS “to lead a government wide effort to ... determine the appropriate degree of watch list consolidation and standardization needed and to consider in this effort the differences in agencies’ missions and needs.”<sup>487</sup>

Senior intelligence officials have assured us that consolidated and standardized sets of watch lists are within reach and that bureaucratic obstacles have been overcome. The Select Committee on Intelligence should organize a hearing at which DHS Secretary Tom Ridge and FBI director Robert Mueller explain why DHS chose not to develop a common watch list architecture (as proposed by the GAO) but chose instead to upgrade the State Department’s TIPOFF system. Such a hearing should also examine how the TSC is able to serve the national security function of the consolidated and standardized set of watch lists called for by Congress’ and the President’s Homeland Security Strategy.

### **Whom to Exclude?**

In some respects the split between a jihadist Islamism and a peaceful Islamist movement recalls the splits in the 20th century Communist movement which produced important anti-Communist allies such as European Social Democracy. Our political strategy must be alert to the distinctions among Islamists. Along with moderate Islam, a relevant factor in countering jihadism may well be relatively peaceful sectors of Islamism (though these are by and large anti-American). At the same time many “peaceful” Islamic organizations (such as charities) have been linked to

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<sup>487</sup> *Information Technology: Terrorist Watch Lists Should Be Consolidated to Promote Better Integration and Sharing*, (Washington DC: GAO), April 30 2003.

terrorism. The first national security requirement of immigration policy is that exclusion be based on a political strategy that distinguishes friends or tactical allies from enemies. The Islamist movement as a whole has been ambivalent about whether it wishes to achieve the goal of re-Islamization through individual redemption and gradual reform or through violence and social revolution. On the other hand, do we wish only to exclude terrorist operatives but not itinerant imams who incite terrorism? Do we bar those associated only with terrorist organizations that target the U.S. or do we include Hamas and Hezbollah in the ban? Current policy barring the latter groups, unless they renounce terrorism, is sound. But all these questions demand close analysis of the particular situation.

### **Immigration Gates**

We can view our immigration system as a sequence of gates: consulate, POE, interior enforcement, culminating in the naturalization process. There are also side gates such as asylum and visa waivers and there are gateless stretches (poorly staffed border zones). We want these gates to keep out unwanted entrants but to swing open easily for those we wish to admit. We want 21st century gates that an authorized traveler can open with the swipe of a fast pass but that will lock stubbornly on the unauthorized.

The visa process comprises our first gate. The Department of State (DOS) consular official who passes on a visa applicant today is usually an entry-level Foreign Service officer, but he/she is now guided by the Department of Homeland Security. These are two large bureaucracies with sharply differing missions united by a “Memorandum of Understanding” which charges DHS with promulgating regulations governing visa issuance and training DOS consular officers who continue to issue visas. DOS seeks to open America to the outside world; DHS to protect America from outside attack. And the visa process must serve both ends. We want foreign tourists, we need businessmen, students and workers who become partners not only in business but in international politics and cooperation. DHS and DOS officials say the arrangement is working well. DHS officials say that the Bureau of Consular Affairs was jolted by September 11 and has reordered its priorities, placing security in the forefront.<sup>488</sup> Yet it is unclear whether the current division of labor is the best arrangement to achieve the dual purpose of security and cooperation. It may be that ultimately, our national security will be better served by a full-fledged Homeland Security visa administration.

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<sup>488</sup> Testimony of Maura Harty, Assistant Secretary of State for Consular Affairs, to the Senate Committee on the Judiciary, September 30 2003.

Over the long term we should consider the formation of a “Visa Corps,” which would be a component of a Homeland Security Service, with different priorities from the Foreign Service officers who currently issue visas. Members of the Visa Corps will have chosen homeland security as their profession, and visa issuance would not be a reviled and grueling rite of passage for novice Foreign Service officers but the first stage in a prestigious investigative career. The application and interview process should be seen not as a tedious exercise to be completed with dispatch to serve the “customer” but as a mode of inquiry.

But today the DHS is at best a fledgling department trying to cope with tasks assigned to it by Congress after September 11 (such as developing an exit and entry system for non-immigrant aliens or procuring machines capable of reading border crossing cards) as well as old tasks with a new dimension such as customs, border control, air transportation security, etc.

Student visas are a special category of visas in several respects. Our matrix shows that a high number of jihadists have been students.<sup>489</sup> Islamism is a movement that has found most resonance among students. In Muslim countries there is what may be called an overproduction of students or a paucity of professional jobs – teeming universities where a student may linger but eventually find himself without employment opportunities corresponding to his education. Traditionally, such students constitute a major recruiting ground for radical and revolutionary movements, and militant Islam is no different.

Student visas are also distinctive because they make a series of demands on American schools, colleges and universities for information and monitoring. They are also special because the new student visa system (SEVIS) has sparked complaints that new requirements are burdensome and are discouraging students from precisely the countries whose students we should be seeking to moderate through contact with the U.S. But the new system has also received criticism from those who consider it easy to game.

U.S. asylum policy has been reformed since 1993 when Ramzi Yousef and Omar Abdel Rahman, the “Blind Sheikh,” took advantage of half a million-strong backlogged cases to slip into the U.S. General abuse of the system, coupled with the use of fraudulent asylum claims by Yousef and Rahman, made asylum reform an issue. In 1995 the Immigration and Naturalization Service (INS) repealed the automatic granting of work permits to asylum seekers unless asylum was granted or the government took more than 180 days to hear the case. These permits were the main cause of delay; before the reforms claimants were automatically granted work permits

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<sup>489</sup> Matrix is available at [www.nixoncenter.org](http://www.nixoncenter.org).



when they applied. Individuals began using asylum claims to access work permits, leading to massive backlogs.<sup>490</sup> The 1995 reforms cleared this backlog by repealing automatic access to a work permit as well as by streamlining the appeals process.

Since the 1995 reforms, the U.S. asylum system has been relatively secure from terrorist infiltration. But while the U.S. system has been relatively secure, the asylum system in Canada and Europe has been repeatedly abused by terrorists. In Canada, terrorists such as Ahmed Ressaym have availed themselves of the asylum system. “Cheat sheets” circulate giving advice and tips on how to cheat the refugee system.<sup>491</sup> In certain terror camps, coaching on how best to exploit European asylum policies has become part of the curriculum.<sup>492</sup>

### **Smart Borders**

Border control is not only about keeping undesirables out; it is about admitting desirables without delay or fuss. Security precautions can be an incentive to modernization rather than a prescription for stagnation. The borders can get slender and “smart,” with fewer border checks because goods and travelers will have been pre-cleared. Most cargo can be inspected on loading docks before sealing containers outfitted with sensors to register tampering. A smart border will require public-private collaboration between customs officers and merchants in order to reduce inspections for authorized senders, receivers and carriers. Travelers willing to undergo background checks should be awarded smart cards bearing tamper-proof biometric data. As their bearers sail past the border in fast lanes, migration authorities could devote their energies to scrutinizing those without such passes. The number of inspections actually carried out on the border would shrink while traffic expands.

The administration has taken significant steps toward this sort of border.<sup>493</sup> But attaining them will require significant investments. For that, the administration may need to help legislators connect the dots between enhanced border control and adequate support for it. And it will need to persuade other countries to cooperate.

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<sup>490</sup> *Asylum Reform: 5 Years Later*, (Washington, D.C.: Department of Justice), 2000. Available online at [http://www.bcis.gov/graphics/services/asylum/asylum\\_brochure.pdf](http://www.bcis.gov/graphics/services/asylum/asylum_brochure.pdf), accessed February 26 2003.

<sup>491</sup> Stewart Bell, “Investigators Seize Refugee ‘Cheat’ Sheets,” *National Post* (Canada), September 25 2003.

<sup>492</sup> Jean Louis Bruguere, Remarks to the Nixon Center Workshop on Immigration and National Security, Brussels, Belgium, May 26 2003.

<sup>493</sup> Kevin Sullivan, “U.S., Mexico set plan for a ‘smart border,’” *The Washington Post*, March 23 2002; *U. S. - Mexico Border Partnership Action Plan*, (Washington DC: The White House) 2002; Alison Mitchel, “Ridge and Canadian sign antiterror ‘action plan,’” *The New York Times*, December 13 2001; Joint Statement by President George W. Bush and Prime Minister Jean Chrétien on Implementation of the Smart Border Declaration and Action Plan, available online at <http://www.whitehouse.gov/news/releases/2002/09/20020909.html>.

## Unauthorized Border Crossings

The main attention of the Bush administration has been devoted to our air border, through which the September 11 hijackers entered the country. But it has also taken steps to secure our land and sea borders. We shall not review or evaluate these measures. In Appendix 1 we have treated one of them, which, quite properly, has received the least attention from the administration, the Mexican border.

“Quite properly” because Latin America in general and Mexico in particular are inhospitable to Muslim extremists in ways Canada and our sea and air borders are not. There are at most a handful of Islamic terrorist cells in Latin America, most notably Hezbollah smuggling and money laundering operations in the lawless *Ciudad del Este* on the “triple frontier” where Argentina, Brazil and Paraguay meet.<sup>494</sup> Of more immediate concern are alien smuggling rings originating in the Middle East. Publicly U.S. officials say they have found no links with Middle Eastern terrorists but DHS officials have privately expressed concern about the connection.<sup>495</sup> As we have noted, three Hezbollah members were arrested as they attempted to cross the Mexican border into California in November 2002.<sup>496</sup>

I asked Tom Ridge, Bush’s Director of Homeland Security, which of our two borders concerned him the most from a strategic standpoint: “Our unsupervised northern border where Canada hosts more than 50 terrorist groups and a large Muslim population? Or our southern border with its heavy flow of illegal immigrants and a culture of corruption in Mexico’s law enforcement agencies?” He replied carefully that he was very concerned with both borders. But though he said the Mexican and U.S. governments were developing “a remarkable relationship,” his frank answer was “Mexico.” “The infrastructure is better on the Canadian side” and in Mexico there is “endemic corruption.... There are more organizational problems down south.”<sup>497</sup> Other senior DHS officials offered a different answer, suggesting that Canada was of more concern because of ease of entry and hospitable surroundings.

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<sup>494</sup> Larry Rohter, “South America Region Under Watch for Signs of Terrorists,” *The New York Times*, December 15 2002; James Dao, “U.S. Expanding Effort to Block Terrorist Funds in Latin Region,” *The New York Times*, December 21 2002; Martin Edwin Andersen, “Al-Qaeda Across The Americas,” *Insight*, November 26 2001; Linda Robinson, “Terror Close to Home,” *US News and World Report*, October 6 2003; on Mexico’s Muslims, see Sam Dagher, “Mexico’s Lebanese distant from Arab conflicts,” *Reuters*, October 22 2000.

<sup>495</sup> Hugh Dellios, “Smuggling case stokes new fears about border,” *Chicago Tribune*, January 4 2004.

<sup>496</sup> U.S. v. Salim Boughader-Mucharrafille et al, Indictment, U.S. District Court for the Southern District of California, 8 August 2001. Unsealed 13 December 2002.

<sup>497</sup> “Immigration and National Security, Post 9/11/2001,” Conference hosted by the Center for Popular Culture, Washington D.C., January 29 2002.

President George W. Bush says the “first principle” of his new immigration proposal is “America must control its borders.” There is a viable way to link his proposal to that principle: it involves inducing Mexico to take joint responsibility for our shared border. As it stands President Bush’s immigration reform proposal – the centerpiece of which would be to grant legal status to millions of undocumented workers in a “temporary worker” program – has a number of flaws (see Appendix 1).

The new program will draw down the already strained resources of the new Department of Homeland Security. For starters, DHS will have to verify whether the applicants have real jobs and whether they return after their three-year term of employment. If some of the 10,000 DHS agents on the southern border could be shifted to interior enforcement, we might have a chance of handling the managerial load.

### **Interior Enforcement**

For all the heat over the debate on illegal immigration, we lose sight of the fact that the main jihadist modes of infiltration are legal, as shown in our analysis of 212 terrorists. Visitors (on non-immigrant visas such as students and tourists), asylum claims, family reunification, and green cards (work permits) take pride of place. Next in line are those who enter with fraudulent documents. Individuals stealing in from Mexico are last. The Canadian border is more attractive to Muslims because of the large Canadian Muslim presence, the support networks created by indulgent asylum and other immigration policies in Canada.

None of this should suggest that we ignore illegal immigration. More than 40 percent of illegal aliens have overstayed legal visas. Several of the September 11 hijackers had overstayed their visas. Moreover illegal immigration creates a market for fraudulent documents. At least two of the 9/11 hijackers obtained fraudulent documents from illegal Salvadoran immigrants.

National security rests on the rule of law. National security demands the enforcement of our immigration laws. The immigration laws most sorely in need of enforcement are those applying to illegal aliens within the United States. An important tool would be a secure identification card with biometric indicators based on national standards. State drivers’ licenses could serve the purpose if they met federal standards. Like such a license the ID would be voluntary, but without it you would be subject to a security check while attempting to buy fertilizers, board an airplane or apply for a job.

## Integration and Citizenship

“Integration” or “assimilation” are often proposed as solutions to “the Muslim problem.” It is hard to quarrel with the suggestion that if Muslim immigrants felt loyal to the United States, in a way that Wadiah el-Hage did not, they would be highly unlikely to participate in or encourage terrorism. But as Appendix 2 shows, integration and assimilation mean different things and vary enormously in meaning and practice from country to country. Here we shall put those complications aside and focus on policy.

The aspect of immigration policy on which we have focused so far concerns borders and sovereignty, the final control over bounded territory and populace. Sovereignty makes territory rather than persons the referential point of political rule. Our system of visas, border inspection etc. pertain to this territorial aspect of immigration. But the other aspect of immigration, citizenship, has to do with a second aspect of the state: determining membership. As Michael Walzer has written: “The members of a political community have a collective right to shape the resident population.”<sup>498</sup> The process that embodies that collective right is naturalization. The naturalization process is the final gate into America, not into American territory but into the American polity: membership. But it is also a way of recognizing that the immigrant is more than “a sectoral player,” more than economic man: a whole person.

Immigration policy, if it is to accord with our traditions, if it is to be seen as more than a procession of gates, must incorporate landed immigrants. The immigration system we need post-9/11 must be both preventive and welcoming. Preventive in that it scrutinizes those who come from the standpoint of national security (and not only in terms of family reunification or skills). But it must welcome and integrate those who are here, so that they feel positively toward the United States, loyal and patriotic, disposed to identify and report dangers in their midst. Patriotism, after 9/11, is not just a sentiment; it is a protective mechanism.

Assimilation is often advocated as an antidote to violence among immigrant communities. The European sociologists Ruud Koopmans and Paul Statham have completed an as-yet unpublished study arguing that integration reduces immigrant political violence in homeland politics.<sup>499</sup> Thus, for example, British integration of Muslims seems to have

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<sup>498</sup> Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality*, (New York: Basic Books), 1984:52.

<sup>499</sup> Forthcoming research in Ruud Koopmans, Paul Statham, Marco Giugni and Florence Passy, *Contested Citizenship: The Contentious Politics of Immigration and Ethnic Relations in Germany, Britain, France, the Netherlands, and Switzerland*, n.d. See also Paul Statham and Ruud Koopmans, “Multiculturalism and the Challenge of Muslim Group Demands in Britain, the Netherlands, and Germany,” in C Husband and A. Garrido eds. *Comparative European Research in Migration, Diversity and Identities*, (Spain: University of Duesto Press/Humanitarian Net.), 2004; Paul Statham and Ruud Koopmans, “Multiculturalisme et Conflits Culturels: le défi

discouraged British Muslims from fighting with British Hindus. This contrasts with less-integrated German Turks and Kurds who tended to clash violently in homeland disputes in Germany. French migration policies, according to the study, avert Algerian involvement in homeland politics. But in their study Koopmans and Statham do not focus on the connection between integration and specifically Islamic violence. Anecdotal evidence and press accounts suggest that Muslim integration in Europe produces not simply a reduction in involvement in home country violence but a shift of the *problematique*. Migrant political attention moves from the national to the religious and often focuses instead on the Israeli-Palestinian conflict (somewhat akin to the way “adversarial assimilation” of Latin Americans in the United States has produced a symbolic Latino “racial” politics).<sup>500</sup>

One reason why European Muslims wish to extend their religious identity to the political sphere is that they have not been assimilated into European political and social life. Certainly fundamentalist forms of Islam present unique challenges to assimilation. But assimilation in America, unlike the French melting pot, does not demand abandonment of immigrant loyalties to country, region or religion. American assimilation is assent to the ideals of the American “political creed” as described memorably by Gunnar Myrdal: individual dignity, fundamental equality, inalienable rights to freedom, justice and a fair opportunity, constitutional government.<sup>501</sup>

This is a situation in which the immigration system can and must intervene. The primary site for this intervention is the naturalization process. Anyone who has attended a naturalization ceremony knows that it is an occasion of great emotion and patriotic sentiment for the individuals naturalized. However, over the years naturalization ceremonies have become private as opposed to social and community affairs. The Office of Citizenship and Immigration Services in the Department of Homeland Security strives valiantly to publicize naturalization ceremonies, to make citizenship tests more meaningful and generally to enrich the journey from immigrant to citizen.<sup>502</sup> But it has a staff of twelve. And making naturalization “cool” (naturalization parades and half-time shows, concerts etc.) should not be a project only of a tiny, overworked government office but of American civil society. What we need is a 21st century version of the

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posé par les revendications des groupes musulmans en Grande-Bretagne et aux Pays-Bas,” in Lionel Arnaud ed., *Les minorités ethniques et l’Union européenne. Politiques, mobilisations, identities*,” (Rennes: Presses Universitaires de Rennes), 2004.

<sup>500</sup> See Peter Skerry, *Mexican Americans: the Ambivalent Minority*, (New York: Free Press), 1993: 319.

<sup>501</sup> Gunnar Myrdal, *An American Dilemma*, (New York: Harper and Row), 1962: 4.

<sup>502</sup> Eduardo Aguirre, Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security, Remarks to the Nixon Center Immigration and National Security Forum, November 13 2003.

Americanization programs that private business, government, schools and voluntary associations promoted in the first years of the 20th century. The same kind of programs are needed in Europe and in some countries are being undertaken.

A weak national ethos characterizes all advanced countries.<sup>503</sup> Everywhere in the post-industrial West the centripetal forces of national integration and cohesion have been overridden by the centrifugal forces of immigration, globalization and multiculturalism. Patriotism is considered old fashioned at best, racist at worst. But in fact 9/11 showed that the national state was not a thing of the past. Borders became relevant again, national unity a prerequisite for anti-terrorism. In the United States that unity was not ethnic in character but civic – based not on an ethnic group or religion and exceptionally tolerant of differences.

### **Immigration “Versus” Intelligence: Quantitative Versus Qualitative**

Many immigration advocates argue that the terrorist infiltration of September 11 derived not from flaws in our immigration system but from an “intelligence failure.”<sup>504</sup> In this view, with improved gathering, analysis and sharing of intelligence, the threat of terrorist infiltration can be met without altering immigration levels. Immigration restrictionists, by contrast, believe that those levels must come down at least temporarily if only to relieve overworked and ineffective border and immigration agencies.

Should our focus be on stemming immigration flows on the grounds that our agencies cannot cope with such large numbers? On the other hand, since we are dealing with knowable entities, should we not focus on qualitative methods of surveillance, monitoring and infiltration of terrorist groups? Does “a national security perspective” mean simply improving intelligence or does it require restricting immigration? Can we extract the toxic figs from the barrel without turning the barrel upside down? Should we close or shrink the barrel? Or will improved collection, analysis and dissemination of intelligence enable us to pluck out suspects? Is the solution qualitative, quantitative, or both?

Intelligence is often presented as a silver bullet which will bring down terrorism.<sup>505</sup> However, procuring timely, usable intelligence on terrorist groups has proved exceedingly difficult. Whether dealing with crime families, subversive organizations or terrorist groups, the

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<sup>503</sup> See Dominique Schnapper, *Community of Citizens*, (New Brunswick, NJ: Transaction), 2001; Arthur M. Schlesinger Jr. *The Disuniting of America: Reflections on a Multicultural Society*, (New York: Norton), 1992, revised edition.

<sup>504</sup> See Testimony of Mary Ryan, Assistant Secretary of State for Consular Affairs, to the Senate Judiciary Subcommittee on Terrorism and Government Information, October 12<sup>th</sup> 2001.

<sup>505</sup> See *Countering the Changing Threat of International Terrorism*, (Washington, D.C.: National Commission on Terrorism [Bremer Commission]), June 5 2000.

key certainly is penetration. But penetration of Islamic terrorist cells is a tall order for several reasons. Unlike crime families and communist parties, they are an unstructured, often fluid and shifting assortment of individuals who come together for a specific mission, connected by kinship ties or friendship. Moreover, according to U.S. and European intelligence services the fanaticism of most of their true-believing cadre usually puts bribery off the table.<sup>506</sup> There are exceptions to this rule. Jamal al Fadl, a Sudanese informant, provided the U.S. government with information about bin Laden during the 2001 African embassy bombings trial after receiving a “significant amount of U.S taxpayer money.”<sup>507</sup>

The French, who have some experience with this, say the best opportunity for “turning” an Islamic militant or “seeding” an informant is prison. Many Islamic radicals begin their careers in prison, as the cases of Khaled Kelkal, Richard Reid, and Jose Padilla illustrate. In prison authorities have leverage and may be able to induce cooperation in return for leniency or to threaten increased penalties.<sup>508</sup> Were moderate Islam to force gains (perhaps with improved U.S. assistance) other candidates may become available.

For the present our best source of information comes from interrogation of detainees, examination of captured documents and cooperation with foreign intelligence services. A former FBI Assistant Director for Counterterrorism, Dale Watson, told me that in the aftermath of the war in Afghanistan, 85 percent of the information on al Qaeda received by the FBI came from prisoners and captured documents, a figure broadly confirmed by other senior intelligence officers.<sup>509</sup>

Liaison with foreign intelligence agencies appears to be the best source of regular information.<sup>510</sup> That creates agonizing foreign policy dilemmas with countries such as Saudi Arabia and Pakistan, which offer great promise of intelligence. Pakistan’s Inter Services Intelligence (ISI) directorate nurtured the Taliban for many years, and both the ISI and Saudi intelligence were in contact with bin Laden.<sup>511</sup> But what price would be paid in terms of promoting constitutionalism, peace on the Indian subcontinent, or concessions from OPEC?

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<sup>506</sup> Clair Interview; Wegesin Interview; Rolince Interview; Pistole Interview; Watson Interview; Jean Louis Bruguere, Remarks to the Nixon Center Workshop on Immigration and National Security, Brussels, Belgium, May 26 2003.

<sup>507</sup> Burke 2003: 79.

<sup>508</sup> Clair Interview; Wegesin Interview.

<sup>509</sup> Watson Interview.

<sup>510</sup> Black Interview; Pistole Interview; Clair Interview.

<sup>511</sup> Anonymous 2002: 90, 112-14, 121.

The Congressional Joint Inquiry into the causes of September 11 pointed to the lack of human intelligence into al Qaeda:

The absence of such sources left counterterrorism officials largely blind to Osama bin Laden's specific intentions before the attacks and contributed to what the joint intelligence committees concluded in their report was a lack of knowledge about Al Qaeda even as the agencies for years collected information that showed the terror network hoped to strike inside the United States.<sup>512</sup>

This human intelligence gap may take years to fill, especially if "al Qaeda" remains a congeries of networks. In the meanwhile there is a pressing need for liaison with foreign intelligence agencies, to encourage their independence and efficiency, to train our own Arabists and to inculcate relations with our own domestic Muslim communities.

But the conversion of the FBI into a domestic intelligence-gathering agency will be hampered by the old habits of a crime fighting organization riddled with bureaucracy and jealous of its turf. Congress and the President may soon have to determine whether it would be preferable to launch a domestic intelligence agency as some have proposed.<sup>513</sup>

Clearly intelligence is not a silver bullet. But if the "needle" resists discovery, would we be better off trying to trim the "haystack?" The reputation of the INS as the archetypal, blundering, antiquated bureaucracy was well deserved. Now that it has been folded into the embryonic, inchoate DHS and charged with new tasks, there is little reason to believe that its administrative capacity has improved.

I consistently asked immigration and counterterrorism officials from the United States and Europe the question: would your task be easier if immigration levels were reduced? While a slim majority answered in the affirmative, after more probing it became clear that the responses were often based on their views of immigration. Counterterrorism may add weight to the restrictionist argument, but this question will be decided on other grounds as well. Those grounds include economic, social, demographic and cultural costs and benefits. If national security adds a dimension to the immigration issue, it supplies one more reason for a general debate on immigration, one ushered in by Bush's flawed immigration proposal.

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<sup>512</sup> David Johnston, "Lack of Pre-9/11 Sources Is To Be Cited as a Failure Of Intelligence Agencies," *The New York Times*, July 17 2003.

<sup>513</sup> Among those calling for a new domestic intelligence agency are John Deutch, former director of the CIA and James Steinberg, deputy national security advisor to President Clinton. Testimony of John Deutch and James Steinberg to the National Committee on the Terrorist Attacks on the United States, October 14 2003; The Gilmore Commission, *Fourth Annual Report to the President and Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction*, (Washington, D.C.: RAND Corp.), December 15 2002.



If we choose to maintain our current immigration levels, we shall have to add resources on the administrative end. The kind of scrutiny that national security now demands of immigration cannot be accomplished with the current correlation of officials and immigrants. Either more government or fewer immigrants.

### **Conclusions: Targeted Measures**

Far less attention from interest groups, research institutes and the media has been devoted to the loopholes and opportunities we have just reviewed than to alleged civil rights abuses committed by the Department of Justice, specifically the by FBI and the INS, in detaining, interviewing and registering immigrants deemed of possible interest or utility in terrorist investigations or in terrorism prevention.

The main burden of the complaints has been that the policies violated civil liberties and discriminated against Muslims and Arabs. A seemingly contrary line of complaint has been that post-9/11 immigration policies have not paid adequate attention to our large number of illegal aliens.

Some of our post-9/11 policies may have been motivated as much by politics and opinion polls as by national security. Under extraordinary circumstances law enforcement officials made their share of errors in implementing those policies. But both sets of complaints (ethnic or religious profiling and ignoring illegals) miss the mark. The criticisms tend to lose sight of the central goal of aligning immigration/national security policy to the challenge posed by jihad. Both sorts of criticism fail to reckon with the main danger to the country and our limitations in meeting that danger. The categorical nature of the danger together with the insufficiency of administrative, investigatory, police and intelligence resources must be considered in explaining the occasional mistakes committed during such measures as the post 9/11 PENTTBOM detentions, “voluntary” interviews with foreigners, and the registration of visitors from Muslim countries.<sup>514</sup> To the extent that our intelligence improves, our policies should become more targeted.

I say “occasional mistakes” because our review of those measures does not find a systematic effort at ethnic profiling or systemic abuse of constitutional rights. That judgment has been supported by the courts. However, there is little question that the broad use of the immigration system to combat terrorism has not been crowned with success. That is one reason why the Department of Homeland Security has cancelled sections of its program to register

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<sup>514</sup> In a forthcoming study we shall investigate these programs and their treatment in the national media.

foreign citizens from a number of countries with “an al Qaeda presence.”<sup>515</sup> Our matrix charting 212 terrorists showed little correspondence between those required to register and those apprehended for terrorism (see Appendix A). In particular, nationals of countries such as Iran, Syria and Iraq were called first whereas Saudis and Egyptians were called third and last, which may have corresponded to foreign policy priorities but not to facts on the ground. According to our calculations the INS “call in” registration may have uncovered less than 20 percent of its intended target (see Appendix A).

These mistakes, the criticisms they have occasioned and the privacy concerns Europeans (cited above in connection with VWP) and Americans have raised appear to reflect a basic truth about our era of immigration cum national security: the battles over this issue will be fought out in the political, judicial and media arenas and involve the central question: are we in a war in which our enemies are combatants, or in a state of peace in which our offenders are criminals?

Probably we are somewhere in between – because this war is fought on the home front of Western countries where civil rights and liberties have a long and honored history, and have been central to creating the kind of societies we now operate: liberal constitutional regimes. It is thus inevitable, especially considering the mighty expansion of rights in the past four decades, that civil and privacy rights would be a central issue, and that privacy and civil rights advocates would wage robust campaigns in the media and the courts. The 2004 elections may tell us more about how they fare in the electoral arena. In 2002 homeland security was a major issue and aided the Republicans in holding the Senate and House.

With little information on what was being hatched or by whom, the Bush administration resorted to blanket measures. But if we found ourselves groping in the dark at a nebulous enemy, the remedy is not inaction but light. To the extent that our intelligence improves, our policies can become more targeted. But, as we have seen, collecting intelligence from a fanatical, far-flung and fastidious adversary will not come easily or quickly. What do we do meanwhile?

In the wake of 9/11 law enforcement authorities did not know if, when, or where the next blow might come, or from whom. Blind like the Cyclops and lame like Odysseus, we had no choice but to grope in the dark, hoping to disrupt enemy plots and cells. Hence thousands of immigrants were detained, “invited” in for “voluntary” interviews or called in for registration and fingerprinting, with the predictable sensational and often misleading headlines and news footage.

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<sup>515</sup> Personal Interview with C. Stewart Verdery, Assistant Secretary for Policy, Border and Transportation Security, Department of Homeland Security, Washington, D.C., January 28 2004.

Critics point out that few of those immigrants called in were charged as terrorists, but that is a misleading criterion of success. It is common practice in Western countries to charge suspected terrorists on lesser charges because of the difficulties of proving *pre-hoc* terrorist conspiracies in court and because detention on any grounds will disrupt the plot. And we cannot know how many operations were disrupted. Iyman Faris was held as a material witness, a procedure that received a lot of criticism. But eventually we learned he was part of an al Qaeda plot to blow up the Brooklyn Bridge.<sup>516</sup>

The respected Migration Policy Institute's complaint that "Muslim-Americans were the only ones detained" also misses the mark. Al Qaeda inc. does business with anyone, including criminals and drug dealers, but militants are very careful about whom they trust to carry out terrorist attacks. For that you must be born Muslim or convert. Law enforcement runs virtually no risk of overlooking jihadists if it ignores Christians and Jews, whereas police will certainly overlook criminals if whites are never considered as suspects.<sup>517</sup> The al Qaeda manual enunciates clearly that the first condition of membership is that "member(s) of the organization must be Muslim(s)."<sup>518</sup> Allegations of discrimination would have been justified had large numbers of Latinos, or women, been called in.

To the naked eye the result is the same: a crowd of Muslims. Our culture trains us to see racism whenever such discrimination occurs. But in this case we have the fallout of self-discrimination. Al Qaeda insists that its members be Muslims. Thus, it follows inevitably, tautologically, that those detained, interviewed and arrested will be Muslims, at least if proper police methods are followed.

In our survey of those arrested on terrorism charges in the U.S. and Europe, we found not a single non-Muslim – those terrorists not born Muslim had converted. Had they not converted, they would not have been chosen for terrorist training camps and operations. To rest a charge of ethnic or racial profiling, i.e. racism, on the ethnic composition of those arrested for terrorism, is

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<sup>516</sup> U.S. v. Iyman Faris, Plea Agreement: Statement of Facts, U.S. District Court for the Eastern District of Virginia, 2003; Andrew Welsh-Huggins, "'A secret, double life' alleged in case of Ohioan who admitted aiding terrorists," *Associated Press*, September 23 2003.

<sup>517</sup> Heather MacDonald, *Are Cops Racist*, (Chicago: Ivan R. Dee), 2003: 165.

<sup>518</sup> The "Military Studies in the Jihad Against the Tyrants" handbook was found in an al Qaeda safehouse in Manchester, England and introduced as evidence in the African Embassy Bombing Trial in New York. The handbook states, as the first condition of membership in al Qaeda, "The member of the Organization must be Moslem. How can an unbeliever, someone from a revealed religion [Christian, Jew], a secular person, a communist, etc. protect Islam and Moslems and defend their goals and secrets when he does not believe in that religion [Islam]?" Available at <http://www.usdoj.gov/ag/trainingmanual.htm> Pg. 16.

to ignore the tautology; all Islamist terrorists are Islamic. Our war on terrorism is not a war on the Tamil Tigers or the ETA or the IRA, it focuses on “terrorism with a global reach.”

Those who see the DOJ operations as ethnic profiling are confusing outcomes with efficient causes. The outcome of detentions, voluntary interviews and special registration was Muslim and largely, but not exclusively, Arab. But was that outcome the result of profiling or the fact that to be a member of al Qaeda one must be a Muslim? Again we are in the realm of tautology; but it was a realm worth visiting.

Hyperbole was another feature of the criticism, again reflecting the conditions of debate in 21st century America. “We have decided to trade off the liberty of immigrants – particularly Arabs and Muslims – for the purported security of the majority,” said David Cole, a law professor at Georgetown University who often represented those accused of terrorism as well as a number of detained aliens.<sup>519</sup> A lawyer for the Center for Constitutional Rights which filed suit accusing the government of arbitrarily holding Muslim detainees declared to the *New York Times*: “We’re putting them into arbitrary detention, just like the worst totalitarian regimes we cry out all the time about in this country.”<sup>520</sup> Former Secretary of State Warren Christopher found an analogy with Argentina’s “disappeared” compelling. Filing suit against special registration, an immigration lawyer and former State Department official, with the evocative name of John Reed, compared the program to “the roundups of Germans during World War I and the internment of the Japanese during World War II.”

In numbers, length and grounds of detainment, the analogy assimilated the molehill to the mountain – to a time when German language classes were dropped from American school curricula and songs written by Germans were removed from music books, or to the mass displacement and lengthy internment of the Japanese population living in West Coast states during 1942. In contemporary America opposition to programs even faintly reminiscent of those draconian measures resonates through the media and a plethora of civil rights and ethnic groups. Yet the Japanese internment analogy became a staple of criticism of detainment as well as special registration.<sup>521</sup> There was a slim basis for the analogy in that aliens who mostly had nothing to do with the actions of their compatriots were singled out by U.S. authorities.

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<sup>519</sup> Purdy, Matthew, “A Nation Challenged: The Law; Bush’s New Rules to Fight Terror Transform the Legal Landscape,” *The New York Times*, November 25 2001.

<sup>520</sup> Susan Sachs, “A Nation Challenged: Detainees; Civil Rights Group to Sue Over U.S. Handling of Muslim Men,” *The New York Times*, April 17 2002.

<sup>521</sup> “The government’s strategy and methods have elicited protests from defense attorneys and civil libertarians. They say the campaign is a massive act of racial profiling similar to the internment of 110,000 Japanese Americans at the time of the U.S. entry into World War II. Amy Goldstein, “A Deliberate Strategy of Disruption; Massive,

But the post-9/11 measures detained lawbreakers. Illegal aliens with no connection with terrorism were released or deported. Moreover, 110,000 Japanese were interned for the better part of a year; while fewer than 1,500 Muslims were held, in most cases for a few hours. Those held for longer periods were often of genuine interest, though some of those were held under improper conditions.

As Charles Lane of the *Washington Post* commented:

Bush's response [was] comparatively well-tailored to a clearly urgent threat. The Justice Department has held hundreds of suspects from Muslim countries in secret detention and has ordered the questioning of 5,000 other recent arrivals. This has a whiff of ethnic profiling about it. But the government has a plausible legal claim – a visa violation, usually – for holding most of the detainees. And the president, joined by political leaders of all parties and regions, has gone out of his way to urge tolerance.<sup>522</sup>

The Migration Policy Institute argues that post-9/11 security measures employed national origin, race, and ethnicity as proxies for evidence of dangerousness, rather than concentrating its efforts and resources on investigation, surveillance, and law enforcement based on individual suspicion.<sup>523</sup> But in the previous chapter MPI's report has pointed out the grievous deficiencies in the FBI that render this criticism quixotic if not captious. Had we information on all individual terrorists we would not need broad measures at all, but the absence of such information led the government to adopt the measures it took.

Yet the Migration Policy Institute was on the right track: mistreated immigrants were the victims not of government discrimination but of government unpreparedness. And it is also true that one hope of gleaning tips or finding individuals willing and able to penetrate terrorist groups is within the Muslim community – some of whose members have been alienated by our groping– though it is not clear whether this alienation is a result of publicity accorded to exaggerated claims of abuse by advocacy organizations or direct experience. But certainly by detaining and occasionally mistreating Muslims we risk estranging the very community upon which counterterrorism must rely for information. That was the dilemma we faced after 9/11 because of the poverty of our intelligence: act and alienate, or fail to act and run unacceptable risks.

The FBI appears to be aware of the problem. In Roanoke and Richmond, for example, FBI agents worked for months to win the trust of Muslim community leaders. They met with

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Secretive Detention Effort Aimed Mainly at Preventing More Terror,” *The Washington Post*, November 4 2001; see also Joseph Khan, “A Nation Challenged: American Muslims; Raids, Detentions and Lists Lead Muslims to Cry Persecution,” *The New York Times*, March 27 2002.

<sup>522</sup> Charles Lane, “Liberty and the Pursuit Of Terrorists,” *The Washington Post*, November 25 2001.

<sup>523</sup> MPI: 40.

mosque leaders to inquire about and offer help on hate crimes long before asking about surreptitious activities potentially associated with terrorism.<sup>524</sup> The FBI leadership in Washington told us that this reflected national Bureau policy, not just that of an individual field office.<sup>525</sup>

Of course the key to a more targeted approach to terrorist infiltration of the United States is Western infiltration of Islamic terrorism at home and abroad. Specific intelligence is the indispensable mainspring of targeted policies. The arrest of key al Qaeda leaders like Khalid Sheik Mohammed, Abu Zubaydah, Ramzi Binalshibh and Riduan Isamuddin, the Indonesian known as Hambali, have shed some light. But the recent Congressional Joint Inquiry identified a lack of human intelligence about al Qaeda as the second main reason for our vulnerability to attack.<sup>526</sup> Besides detentions, penetrating al Qaeda will demand patient study and training. It will require hiring and training Arabic speakers, cooperation with foreign intelligence agencies, imagination and luck. That is the only way to turn on the lights and end the groping in the dark, to sharpen the blunt instrument of policy.

Law enforcement agencies faced a steep learning curve after September 11. The FBI knew little about al Qaeda's American operations. The CIA had no incoming information from within al Qaeda. The INS had no picture of the composition of the immigrant population. Had the intelligence services a handle on al Qaeda, had the FBI developed the sort of relations with the Muslim communities before 9/11 that it sought after 9/11, the government would have faced less political pressure to detain individuals without any direct connection to the attacks. According to Congressional, FBI and Justice Department sources, however, most of those detained in New York and Newark (the bulk of the PENTTBOM detentions) were based on a list of subjects which had been filtered by the Joint Terrorism Task Force. Had the Bureau been better prepared, its detention of informants and suspects might have been more useful or smaller. The measures discussed above signified less a loss of liberty than a national security deficit.

Had the entry-exit system, mandated by Congress since 1996, been in operation on September 11 all legal immigrants would have been registered. There would have been no need for a special registration at all. All overstays would have been signaled by a failure to depart through the entry-exit system. Had three of the hijackers not updated their visas, they would have

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<sup>524</sup> Gary Fields and John Wilke, "FBI's New Focus Places Burden on Local Police," *The Wall Street Journal*, June 30 2003. The Washington office of the FBI has also been consulting with Arab and Muslim groups, such as the American Arab Anti-Discrimination Committee, on issues sensitive to Arab and Muslim communities.

<sup>525</sup> Pistole Interview; Rolince Interview.

<sup>526</sup> JI: 90-96.

been called in. Had that system been operating, the confusion of immigration controls and counterterrorism that was so blatant in the INS Special Registration in Los Angeles in November 2002 and in PENTTBOM would not have occurred because overstayers would have been identified previously and presumably tried and deported.

Had we properly developed relations with Muslim communities and installed an entry-exit system, the government could not have been plausibly, if wrongly, tarred with the charge of ethnic profiling (had terrorist watch lists been consolidated, September 11 might have been averted).

A corollary of these conclusions is the maxim: intelligence (whether collected during visa applications, at border checks, from the Muslim community, within al Qaeda, through overseas interrogations, from captured documents or through foreign intelligence liaison) permits and promotes targeted policies.

## Appendix A: Figures in the Carpet

*Based on an analysis of the information in the matrix, available at [www.nixoncenter.org](http://www.nixoncenter.org), we have arrived at several conclusions.*<sup>527</sup>

### INS Registration

Our compilation does not bear out the actions taken by the government after 9/11. The most dramatic contradiction is with the INS 2002-03 program of “special registration.” Mandated by the USA PATRIOT Act, this program registered “high risk” nonimmigrant visitors from certain countries according to “intelligence criteria reflecting patterns of terrorist organizations’ activities.”<sup>528</sup> Thus in September 2002 the Justice Department began interviewing, registering, fingerprinting and photographing at the border “non-immigrant alien” males from five terrorist-sponsoring countries: Iran, Iraq, Libya, Syria and Sudan. Exempt were women, green card holders, naturalized U.S. citizens and those who had received political asylum – omissions which, in light of al Qaeda’s immigration strategy, are open to question. By April 2003 more than 130,000 aliens had been registered, only a tiny portion of the approximately 50 million entering the country annually on non-immigrant temporary visas.<sup>529</sup>

Starting by registering aliens from five countries, the program eventually encompassed 25 countries staggered into four groups.<sup>530</sup> The first group required nationals of Iran, Iraq, Libya, Sudan and Syria to register by February 7, 2003. Yet our data shows a grand total of five

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<sup>527</sup> This matrix is an attempt to compile immigration-related data on individuals implicated in major Islamist terrorist events since 1993. The subjects have been selected because each resided in or crossed national borders in Western Europe and/or North America. Subjects awaiting trial are clearly noted. Those cleared of all charges are not included in the chart. In many cases, individuals are allowed to plea to lesser charges, such as money laundering, document fraud, or conspiracy, and have terrorism charges dropped. These subjects were included based on additional information about their cases the author thought relevant. We do not claim that this matrix is either complete or comprehensive.

The information on the matrix was compiled completely from documents in the public record. Information on the subjects appeared in government and court documents, scholarly articles, private reports, press releases, books and news articles. The information was acquired mainly through the Internet, using tools such as Lexis-Nexis and FindLaw, but also through the use of search engines such as Google, Yahoo, and Altavista. Mainly English sources were used.

Errors of transliteration must be taken into consideration, as the particular spelling of an individual’s name can yield different search results. We have taken care that the individual’s name as it appears in the chart is the same name used to search for documents. This chart was compiled and refined throughout 2003 and into 2004. The information on the chart is current as of February 10 2004.

<sup>528</sup> *Statement of Attorney General John Ashcroft*, (Washington, D.C.: Department of Justice), August 12 2002.

<sup>529</sup> “Immigration checks register 130,000,” *The Arizona Daily Star*, April 25 2003; Michael D. Patrick, “Immigration Law: Special Registration and Monitoring of Certain Non-Immigrants,” *New York Law Journal*, July 22 2002.

<sup>530</sup> *Fact Sheet on Special Registration*, (Washington, D.C.: Department of Justice) available online at <http://www.ice.gov/graphics/enforce/imm/specereg/index.htm#what>



Sudanese, two Libyans and not a single Syrian, Iraqi or Iranian. Further, the only Sudanese were those convicted a decade earlier in the 1993 plot to destroy New York City landmarks.

The second group included nationals of Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates and Yemen. They were required to register by February 7, 2003. Our data substantiates some of these selections but not others. We logged 25 Algerians, 15 Tunisians, and 12 Moroccans, but only 2 Lebanese, 2 Emiratis, 2 Yemenis, 1 Qatari, 1 Somali and no Afghans, Bahrainis, Eritreans, North Koreans or Omanis.

The third group, required to register by March 21, 2003 added nationals of Pakistan and Saudi Arabia. Included in our chart are 19 Saudis (including the 9/11 hijackers) and 7 Pakistanis, raising questions as to why Saudis and Pakistanis were relegated to the third group.

The fourth and final group required nationals of Bangladesh, Egypt, Indonesia, Jordan or Kuwait to register by April 25, 2003. Included in our chart are 16 Egyptians and 7 Jordanians but only 1 Kuwaiti and no Indonesians or Bangladeshis.

If the special registration program were retooled based on the sample from our chart it would follow the following data; 25 Algerians, 19 Saudis, 16 Egyptians, 15 Tunisians, 12 Moroccans, 13 Canadians, 10 French, 9 Spaniards, 7 Pakistanis, 7 Jordanians, 6 Britons, 5 Sudanese, 3 Germans, 2 Yemenis, 2 Emiratis, 2 Belgians, 2 Lebanese, 2 Libyan and a host of other countries with 1 (42 are U.S. citizens). This listing is consistent with what published studies and news articles demonstrate to be the countries where al Qaeda or its associates maintained an important presence, but it in no way corresponds to the order of countries whose nationals were chosen to register. Figure 1 shows the nationality of our sample.

### **Special “Call In Registration”**

Concurrent with the special registration, the INS required citizens of the 25 countries who had previously entered the U.S. to come in to an INS office for a “special call-in registration.” If we measure the 100 individuals in our chart with the U.S. as a host country and thus required to show up for the call-in registration, we find surprising results. Of the 100, only 36 conform to the criteria for call-in registration (nonimmigrants, excepting women, green card holders, naturalized U.S. citizens and those who had received political asylum). Therefore only 36% of those in the U.S. with connections to terrorism conform to the criteria set out by the INS for security threats. While this 36% would come under scrutiny, more than 63% would have been overlooked by the INS and not required to register. In reality this percentage would probably be even more lopsided. Of the 36 individuals conforming to the criteria, 18 were in the U.S. illegally and may

not have registered. Thus under the Special Call-In Registration fewer than 20% of the individuals in our matrix could even have been expected to register.

### **Immigration networks**

In Europe, the majority of those from a particular “sender country” tend to gather in one “host country.” For instance, Italy is home to Tunisians and Moroccans, Spain hosts Syrians, and Britain and France host Algerians. Britain’s large South Asian population is not reflected in the chart, perhaps suggesting that second-generation Pakistanis in particular have not been as widely involved in terrorist plots (with the exception of the two British suicide bombers in Israel in April 2003). The contradiction here may reside in our data collection.

In the U.S. there is more variation in the groupings. Some plots, such as 9/11 (which used Saudis), the New York landmarks plot (Egyptians and Sudanese) and the Lackawanna group (Yemenis) were dominated by one or two nationalities. Other clusters, such as the Lashkar-i-Toiba group and the first World Trade Center bombing, display no dominant nationalities.

### **Asylum**

Sixteen percent (33/212) are asylum seekers. Asylum is a particular concern in Britain and Canada. Fourteen individuals in Britain claimed asylum to gain entry, 11 of whom were given refugee status. In Canada 11 individuals gained entry through asylum. Seven were denied asylum but remained in the country.

### **Composition**

Overall, Egyptians, Saudis, and North Africans predominate in the matrix. This partly confirms earlier research on the composition of al Qaeda, although our chart shows relatively little involvement of South Asians (Indians, Indonesians, Filipinos, Pakistanis and Bangladeshis).<sup>531</sup>

### **Leadership**

Leaders or organizers of plots overwhelmingly enjoyed legal status when arrested or killed. Mohammed Atta,<sup>532</sup> Ramzi Binalshibh, and Haydar Zammar (9/11), Kamal Derwish, Yahya Goba, and Juma al Dosari (Lackawanna), Habis al Saoub (Portland), Khaled Kelkal (Paris Metro), Djamel Beghal (U.S. Embassy in Paris), Abdel Kader es Sayyed (Milan Cell), Randall Royer (Lashkar), Wadih el Hage (African Embassy), Imad Eddin Barakat Yarkas (Abu Dahdah), Abu Qatada (Millennium bomb plot), and Christian Ganzarski (Tunisian synagogue) were all

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<sup>531</sup> Marc Sageman, *Understanding Terror Networks*, Philadelphia, PA: University of Pennsylvania Press, forthcoming in 2004. The author has kindly provided a prepublication manuscript for review.

<sup>532</sup> While technically illegal, Atta was allowed to enter and remain in the country while his change of status request was processed. See: *Entry of the 9-11 Hijackers Into the United States*, (Washington: National Commission on Terrorist Attacks Upon the United States (9-11 Commission), January 28 2004.

legally in their host countries. While the organizers and leaders were legal, many of the “muscle” were not. Sixteen percent (34/212) of the members in the chart were in the West illegally.

### **Connections**

In all of the aforementioned plots national or immigration status linked the perpetrators. The individuals are all associated exogenously to their role in the attacks. In the African embassy bombings naturalized citizens (three-quarters gained through sham marriages) linked the group. In the Millennium bomb plot, all involved were Algerians, many of whom claimed asylum to gain entry into Canada. In the 9/11 attacks, all the operatives entered on non-permanent visas and Saudis predominated. The Portland group was almost all composed of African-American converts to Islam. Individuals arrested in Detroit were all North African. The Tunisian synagogue bombing was orchestrated from Europe. The planners of the Strasbourg Christmas Market attack were North African. The Milan cell mainly consisted of Tunisians. The Abu Dadah cell was mainly Syrians with Spanish citizenship. The London ricin plot involved Algerians. The Lashkar-i-Toiba group was dominated by U.S. citizens. In the first World Trade Center bombing and the plot to bomb New York City landmarks, aside from the fact that many of the men were tied to mosques where “the Blind Sheikh” preached and presumably recruited, the men were exclusively Egyptians, Sudanese, or Palestinian/Jordanian. This conclusion would seem to confirm two theories about al Qaeda inc.: 1) Integration involves “clusters” (Marc Sageman), and 2) the initiative frequently comes from groups that approach the al Qaeda leadership for funding.

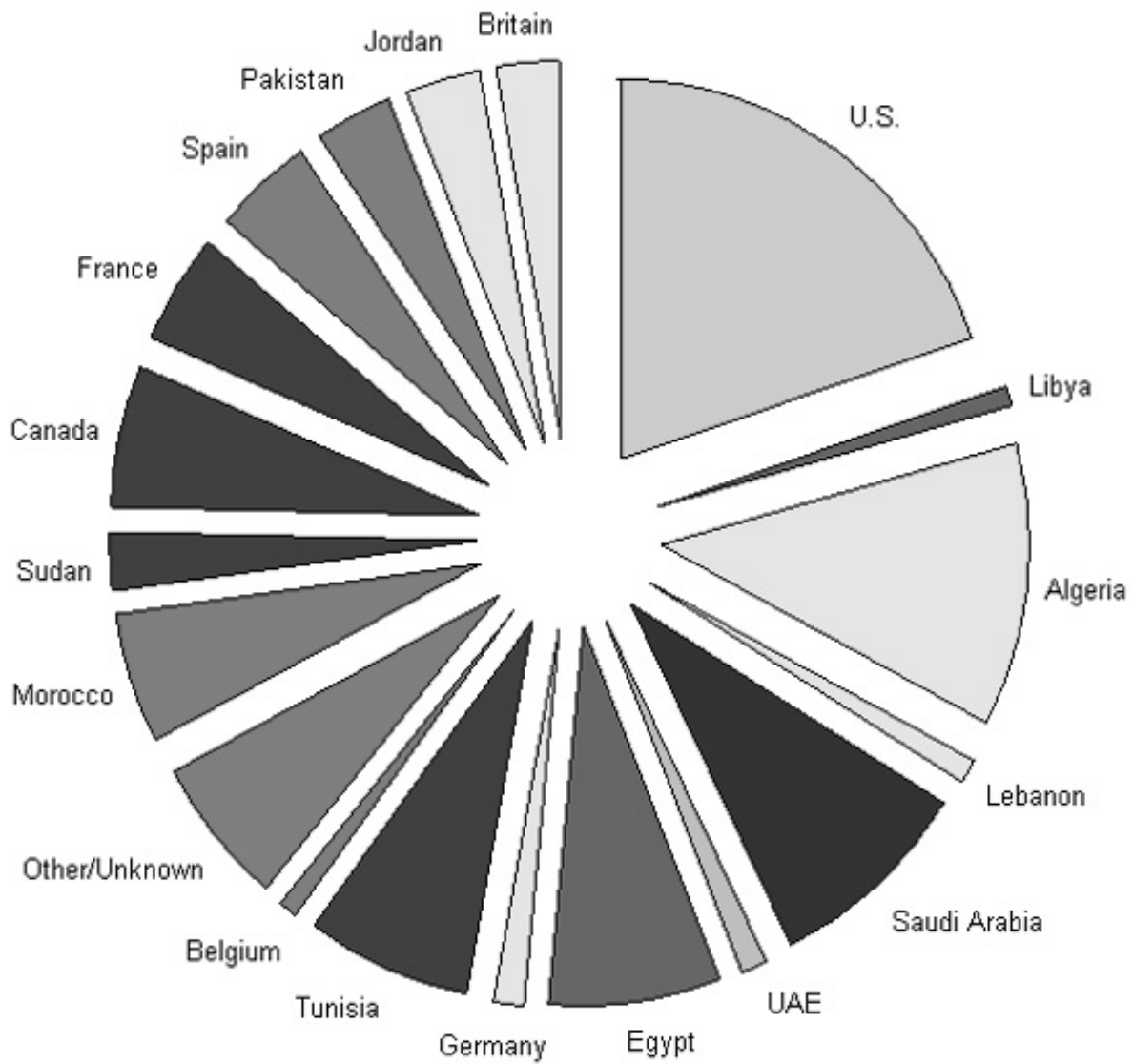
### **Breakdown**

According to the chart, 13% (27/212) utilized tourist visas, 8% (17/212) utilized student visas and 3% (6/212) utilized permanent residency (green card) visas. If the sample is reduced to the United States, 25% (25/100) were on tourist visas, 12% (12/100) were on student visas and 3% (3/100) were on permanent residency (green card) visas. Figure 2 displays the breakdown of immigration vehicles from the matrix.

Eight percent (18/212) are second-generation immigrants; 83% (5/6) of the British citizens are second generation; 33% (4/12) of the Canadian citizens are second generation; 11% (1/9) of the French are second generation; 33% (1/3) of the Germans are second generation; none of the Spaniards or Italians are second generation; 17% (7/41) of the U.S. citizens are second generation.

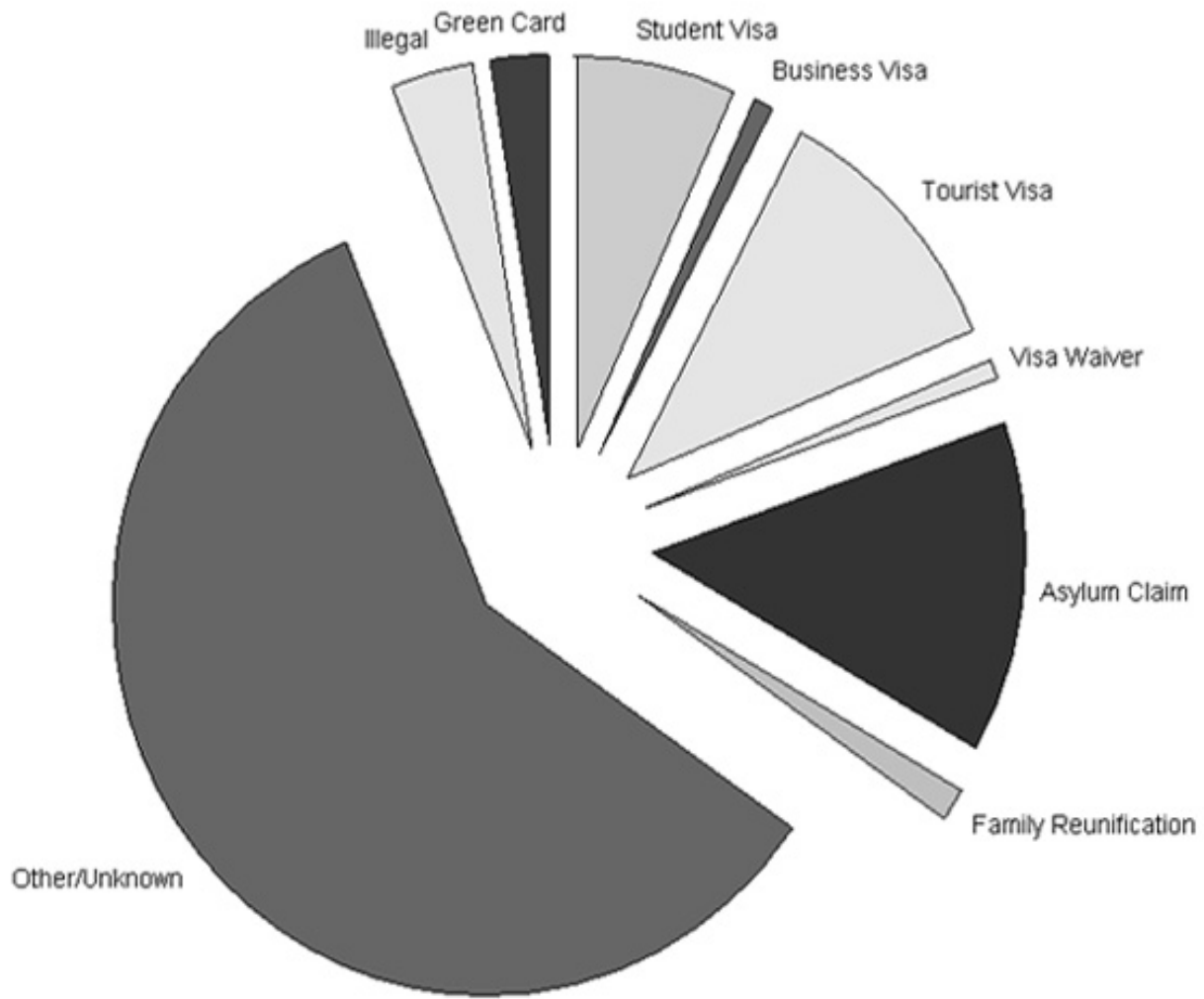
Eight percent (17/212) are converts to Islam; 28% (59/212) were charged or convicted of document fraud; of the 59, 33 had false documents (ID cards, driver's licenses, Social Security cards, etc...) and 26 used false passports.

**Figure 1: Nationality of our Sample**



U.S.: 42	Algeria: 25	Saudi Arabia: 19	Egypt: 16	Tunisia: 15	Canada: 13
Morocco: 12	France: 10	Spain: 9	Pakistan: 7	Jordan: 7	Britain: 6
Sudan: 5	Germany: 3	Yemen: 2	UAE: 2	Belgium: 2	Lebanon: 2
Libya: 2	1 or unknown: 27				

**Figure 2: Immigration Vehicle**



Student Visa: 17      Tourist Visa: 27      Business Visa: 2      Green Card: 6  
Asylum Claim: 33      Illegal: 34      Visa Waiver: 2      Family Reunification: 3

