



Department of Justice

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Fact Sheet: Justice Department Counter-Terrorism Efforts Since 9/11

Since the attacks of September 11, 2001, the highest priority of the Justice Department has been to protect America against acts of terrorism. Despite repeated and sustained efforts by terrorists, there has not been another terrorist attack on American soil in the past seven years. During this time, the Justice Department has significantly improved its ability to identify, penetrate, and dismantle terrorist plots as a result of a series of structural reforms, the development of new intelligence and law enforcement tools, and a new mindset that values information sharing, communication and prevention. Working with its federal, state, and local partners as well as international counterparts, the Justice Department has not rested in its efforts to safeguard America.

I. Protecting America Through Investigation and Criminal Prosecution

Since 9/11, federal prosecutors have had considerable success in America's federal courtrooms identifying, prosecuting, and incarcerating terrorists and would-be terrorists. These prosecutions have routinely produced cooperating defendants who have, in turn, provided intelligence information leading to further investigation, disruption and prosecution.

In each of these cases, the Department has faced critical decisions on when to bring criminal charges, given that a decision to prosecute a suspect exposes the Government's interest in that person and effectively ends covert intelligence investigation. Such determinations require the careful balancing of competing interests, including the immediate incapacitation of a suspect and disruption of terrorist activities through prosecution, on the one hand; and the continuation of intelligence collection about the suspect's plans, capabilities, and confederates, on the other; as well as the inherent risk that a suspect could carry out a violent act while investigators and prosecutors attempt to perfect their evidence.

While it might be easier to secure convictions after an attack has occurred and innocent lives are lost, in such circumstances, the Department would be failing in its fundamental mission to protect America and its citizens, despite a court victory. For these reasons, the Department continues to act against terror threats as soon as the law, evidence, and unique circumstances of each case permit, using any charge available. As Attorney General Mukasey has stated: "[W]hen it comes to deciding whether and when to bring charges against terrorists, I am comfortable knowing this: I would rather explain to the American people why we acted when we did, even if it is at a very early stage, than try to explain why we failed to act when we could have, and it is too late."

Using the Full Range of Available Statutes

To disrupt terrorist threats through prosecution, the Department has used a wide variety of statutes. The material support statutes (18 USC § 2339 A, B & C) have formed a critical component of the Department's overall terrorist prosecutorial efforts, allowing prosecutors to target the provision of support, resources and other assistance to terrorists and to intervene during early stages of terrorist planning. They have also helped the government address individuals who participate in terrorist training before they have the

opportunity to use that training for attacks.

The Department has also had success disrupting terrorist activity using other criminal statutes, including 18 USC § 2332b (terrorism transcending national boundaries), 18 USC § 2332a (use of weapons of mass destruction), 18 USC § 2332 (terrorist acts abroad, including murder, against U.S. nationals), 18 U.S.C. § 1203 (hostage taking), 18 USC § 844, 922 and 924 (explosives offenses), and 18 USC 956 (conspiracy to murder, kidnap, or maim persons or to damage property overseas). In addition, the Department has used more general offenses, such as identity theft, immigration and false statement charges. Prosecution on such charges is often an effective method, and sometimes the only available method, of deterring and disrupting terrorist planning and support activities.

Notable Terrorism Prosecutions in Recent Years

- Toledo Terror Cell (Northern District of Ohio) -- In June 2008, Mohammad Amawi, Marwan El-Hindi and Wassim Mazloum were convicted of conspiracy to commit terrorist acts against Americans overseas, including U.S. armed forces in Iraq, and conspiracy to provide material support to terrorists. Amawi and El-Hindi were also convicted of distributing information regarding suicide bomb vests and Improvised Explosive Devices.
- Christopher Paul (Southern District of Ohio) – In June 2008, Paul pleaded guilty to conspiring with members of a German terrorist cell to use a weapon of mass destruction (explosive devices) against Americans vacationing at foreign tourist resorts, against Americans in the United States, as well against U.S. embassies, diplomatic premises and military bases in Europe.
- Hassan Abujihad (District of Connecticut) – In March 2008, Abujihad, a former member of the U.S. Navy, was convicted of providing material support to terrorists and delivering classified information on the movements of a U.S. Navy battle group to Azzam Publications, a London-based organization alleged to have provided material support to persons engaged in terrorism.
- Mohammed Jabarah (Southern District of New York) – In Jan. 2008, Jabarah was sentenced to life in prison after pleading guilty to terrorism charges stemming from his participation in a plot to bomb U.S. embassies in Singapore and the Philippines. Jabarah trained in al Qaeda camps in Afghanistan and spent time with Usama bin Laden, to whom he swore an oath of allegiance.
- California Prison Plot (Central District of California) – In Dec. 2007, Kevin James, who formed a radical Islamic organization while in California state prison, and two of his recruits, Levar Washington and Gregory Patterson, pleaded guilty to terrorism conspiracy charges, admitting they conspired to attack U.S. military facilities and Jewish facilities in Los Angeles.
- Jose Padilla and co-defendants (Southern District of Florida) -- In Aug. 2007, a federal jury convicted Padilla, Adham Hassoun and Kifah Jayyousi of conspiracy to murder, kidnap and maim individuals in a foreign country, conspiracy to provide material support, and providing material support to terrorists. Padilla was sentenced to more than 17 years in prison.
- Zacarias Moussaoui (Eastern District of Virginia) -- In May 2006, Moussaoui was sentenced to six consecutive life terms after pleading guilty in April 2005 to various terrorism violations, admitting that he conspired with al Qaeda to hijack and crash planes into prominent U.S. buildings as part of the 9/11 attacks.
- Ahmed Omar Abu Ali (Eastern District of Virginia) – In Nov. 2005, Ali was convicted on all counts of an indictment charging him with, among other violations, providing material support to al Qaeda, conspiracy to assassinate the U.S. President, and conspiracy to commit air piracy and conspiracy to destroy aircraft. Ali was sentenced to 30 years in prison.

II. Implementing Structural Changes to Enhance Counter-Terrorism Efforts

Over the past seven years, the Justice Department and its component agencies have fundamentally restructured their operations to better address national security threats and prevent terrorist attacks. Some of the major structural reforms include the following:

Transforming the FBI to Meet the New Threat

Since 9/11, the FBI has undertaken the most significant transformation in its history. The FBI has

completely transformed its operations to better detect, penetrate, and dismantle terrorist enterprises – part of the FBI’s larger culture shift to a threat-driven intelligence and law enforcement agency. As part of this strategic shift, the FBI has overhauled its counterterrorism operations, expanded intelligence capabilities, modernized business practices and technology, and improved coordination with its partners. Some of the significant adjustments include:

- Established clear priorities emphasizing prevention while ensuring the protection of privacy rights and civil liberties.
- Realigned the FBI’s organizational structure to create five branches, including the National Security Branch, which centralized the FBI’s national security programs, including its Counterterrorism Division, Counterintelligence Division, Directorate of Intelligence, Weapons of Mass Destruction Directorate, and Terrorist Screening Center, into a single branch.
- Roughly doubled the FBI’s budget between Fiscal Year 2001 and Fiscal Year 2008. \$7.1 billion has been requested for the FBI in Fiscal Year 2009.
- Established numerous operational units that provide new or improved capabilities to address the terrorist threat, including the 24/7 Counterterrorism Watch, the Terrorism Financing Operation Section, document/media exploitation squads, the Terrorism Reports and Requirements Section to disseminate FBI terrorism intelligence to the Intelligence Community, and the Counterterrorism Analysis Section to strategically assess indicators of terrorist activity.
- Increased the number of intelligence analysts from 1,203 before 9/11 to more than 2,100 today, and increased the number of onboard language analysts from 784 to more than 1,300 today.
- Established Field Intelligence Groups in all 56 FBI field offices.
- Dramatically improved intelligence sharing through improved intelligence products, disseminating 8,238 Intelligence Information Reports in Fiscal Year 2007 alone.

Creating the Justice Department’s National Security Division

In Sept. 2006, the Justice Department formally established the National Security Division (NSD) to merge the Department’s primary national security components into a single division to more effectively combat national security threats. The division brought together the former Office of Intelligence Policy and Review, the Counterterrorism Section and the Counterespionage Section from separate parts of the Department. The new Office of Law and Policy, the Executive Office and the Office of Justice for Victims of Overseas Terrorism have completed the NSD. The division’s achievements to date include:

- Improved coordination between prosecutors and law enforcement agencies, on one hand, and intelligence attorneys and the Intelligence Community, on the other, to strengthen the effectiveness of the government’s counter-terror efforts.
- Created a new Office of Intelligence to handle dramatically increased FISA workload, to better coordinate FISA litigation and to improve national security and intelligence oversight.
- Created a new Office of Law and Policy to harmonize national security legal and policy functions for the entire Department.
- Launched a comprehensive oversight initiative to ensure national security investigations comply with the nation’s laws, rules and regulations, including privacy interests and civil liberties.
- Promoted a coordinated national counterterrorism enforcement program through collaboration with Department leadership, the FBI, the Intelligence Community and U.S. Attorneys’ Offices
- Processed record numbers of applications for electronic surveillance or physical search authority submitted to the FISA Court, including 2,371 applications in 2007, compared to 932 in 2001.
- Provided critical prosecutorial support to the Military Commission prosecutions of high-value detainees suspected of involvement in the 9/11 attacks and other non-high value detainees.

Updating Investigative Guidelines

Since the 9/11 attacks, the Justice Department has worked diligently to review and update its internal investigative guidelines to bring investigative practice into line with counterterrorism priorities, to improve interagency coordination, and to prioritize intervention and prevention of terrorist acts before they occur. These efforts have included the following steps:

- In 2002, the Department issued revised Attorney General Guidelines for FBI criminal investigations.
- In 2003, the Department overhauled and issued new Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection.
- The Department is currently working to develop consolidated new Attorney General Guidelines for FBI activities and is consulting with Congress on the content of these Guidelines.
- The new consolidated Guidelines will aim to eliminate arbitrary differences in the standards and procedures that currently apply to an FBI activity based on how it is characterized.

III. Developing New Tools to Disrupt Terror Plots

Over the past seven years, the Justice Department has worked closely with Congress and other federal agencies to strengthen the nation's laws against terrorism, update the legal authorities needed to detect and disrupt terror plots, and tear down walls hindering intelligence and law enforcement officials from gathering and sharing information critical to protecting the nation. Some of the most significant changes in this area include the following:

The Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008

On July 10, 2008, the President signed into law landmark legislation that modernized the Foreign Intelligence Surveillance Act of 1978. The FISA Amendments Act of 2008, which passed with a bipartisan majority of Congress and broad support from the Intelligence Community, allows intelligence professionals to more quickly and effectively monitor terrorist communications, while protecting the civil liberties of Americans. Among other things, the law provides the following:

- Ensures that the Intelligence Community has the tools it needs to determine who terrorists are communicating with, what they are saying and what they are planning.
- Provides critical authority for the Intelligence Community to acquire foreign intelligence information by targeting foreign persons reasonably believed to be outside the United States.
- Preserves and provides new civil liberties protections for Americans.
- Requires court orders to target Americans for foreign intelligence surveillance no matter where they are and requires court review of the procedures used to protect information about Americans.
- Provides critical liability protections for companies whose assistance is necessary to protect the country from terrorist threats.

USA PATRIOT Act of 2001, USA PATRIOT Act Improvement and Reauthorization Act of 2005

The USA PATRIOT Act, which was signed into law on Oct. 26, 2001, has helped law enforcement identify, dismantle, and disrupt terrorist plots. The expiring provisions of the Act, including critical information sharing provisions, were reauthorized by the USA PATRIOT Act Improvement and Reauthorization Act of 2005, which allowed investigators to continue to use these vital authorities. These laws have helped law enforcement and intelligence agencies protect the nation in the following ways:

- Helped bring down the "wall" that prevented effective information sharing between law enforcement and intelligence personnel.
- Allowed federal agents to better track sophisticated terrorists trained to evade detection and gave national security investigators tools comparable to those used in criminal cases.
- Updated investigative tools to reflect new technologies and threats, and allowed authorities to obtain a search warrant from a single court regardless of where terrorist-related activity occurred.
- Increased penalties for those who commit certain terrorist crimes and those who support them.
- The USA PATRIOT Act Improvement and Reauthorization Act reauthorized all expiring provisions of the USA PATRIOT Act, added dozens of additional safeguards to protect privacy interests and civil liberties, and strengthened port security.

IV. Protecting the Privacy and Civil Liberties of Americans

As the nation's primary law enforcement agency, the Justice Department strives to be a model for

ensuring that Americans' privacy and civil liberties are forcefully protected in all the Department's counterterrorism and law enforcement efforts. Below are some of the advances made since 9/11:

- Since 9/11, the Department has investigated more than 800 incidents involving violence, threats, vandalism or arson against Arab Americans, Muslims, Sikhs, South Asian Americans or other individuals perceived to be of Middle Eastern origin.
- Federal charges in these investigations have been brought against 42 defendants, with 35 convictions to date. The Department's Civil Rights Division has coordinated with state and local prosecutors in more than 150 non-federal criminal cases.
- The Department developed and issued guidance to federal agencies in June 2003 expressly prohibiting racial profiling in federal law enforcement practices.
- The Department appointed its first Chief Privacy and Civil Liberties Officer in February 2006. This officer actively participates in Department policymaking, ensuring regard for privacy and civil liberties at the earliest stages of Departmental proposals.
- The Privacy and Civil Liberties Office also participates in public outreach activities and works closely with the Terrorist Screening Center, the Office of the Director of National Intelligence and the Department of Homeland Security to address watch list redress issues and other matters.
- The FBI created the Office of Integrity and Compliance in 2007 to ensure FBI compliance with laws, rules, and procedures, not only in national security activities, but in all FBI activities.
- The Department's National Security Division in 2007 launched a comprehensive oversight initiative and created a new oversight office to ensure that FBI national security investigations comply with the nation's laws, rules, and regulations, including privacy and civil liberties.
- The Department for the first time has begun conducting regular, comprehensive reviews of national security activities at FBI Headquarters and field offices, completing 15 such reviews in 2007. The Department plans to complete another 17 such reviews by the end of 2008.
- The Department implemented dramatic reforms in 2007 and 2008 to address problems in the FBI's use of National Security Letters; increased the number of FISA accuracy and minimization reviews; and began conducting reviews of all referrals by the FBI to the President's Intelligence Oversight Board to detect patterns that may require changes in policy, training, or oversight.

V. Establishing Partnerships to Keep America Safe

In order to address terrorist networks operating around the world, the Department has increased its partnerships at every level of government in the U.S. and forged strong ties with its counterparts overseas. Some of these efforts include:

Coordinating with Federal, State and Local Partners

- Increased the number of Joint Terrorism Task Forces (JTTF) from 33 before 9/11 to more than 100 today, and increased the number of JTTF officers from under 1,000, to roughly 3,900 today.
- Established a National Joint Terrorism Task Force with representatives from 40 agencies.
- Created Anti-Terrorism Advisory Councils in each U.S. Attorney's office across the country to enhance information sharing with state and local authorities in each district and to enhance communications between the Department and U.S. Attorneys on terrorism matters.
- Helped fund and participate in information fusion centers created in states and localities around the country after 9/11. Today, there are more than 50 operational centers in 46 states.
- Provided critical leadership to the Terrorist Screening Center, a multi-agency center under the umbrella of the FBI's National Security Branch that manages the consolidated terrorist watch list.
- Provided critical participation in the multi-agency National Counter Terrorism Center (NCTC), which integrates terrorism intelligence and conducts strategic operational planning.
- Provided critical participation in the multi-agency Foreign Terrorist Tracking Task Force, which uses analytical processes and proprietary technologies to find, track, and remove terrorists.
- Created the FBI Office of Law Enforcement Coordination to build bridges to national, state, municipal, county, tribal, and local partners.

Coordinating with International Counterparts

In the past seven years, the Department has leveraged international law enforcement cooperation to target and dismantle terrorist enterprises both at home and abroad. In this area, the Department has:

- Expanded the number of FBI Legal Attaché offices in foreign countries from 44 on 9/11 to more than 60 today.
- Responded to hundreds of formal requests from partners around the world for assistance in terrorism investigations through our global network of Mutual Legal Assistance Treaties.
- Shared thousands of pieces of threat-related information with our international partners.
- Provided critical evidence to other countries for use in terrorism-related prosecutions and received critical evidence from other countries for use in U.S. terrorism-related prosecutions.
- Played a critical role in Operation Iraqi Freedom since May 2003, with more than 200 Justice Department employees and contract personnel serving throughout Iraq today.
- A senior Justice Department official today serves as the Rule of Law Coordinator at the U.S. Embassy in Iraq, overseeing more than 300 personnel working on U.S. rule of law issues in Iraq.
- The FBI and Drug Enforcement Administration continue to play vital roles in Afghanistan, with the FBI working with Afghan authorities on counter-terrorism matters, and the DEA working to assist Afghan authorities in targeting terrorist organizations that benefit from illicit drug proceeds.

VI. Military Commission Prosecutions

On Oct. 17, 2006, the President signed the Military Commissions Act of 2006 ("MCA"), which provided statutory authority to try alien unlawful enemy combatants for violations of the law of war. The United States has employed military commissions to try its enemies for violations of the law of war since the Revolutionary War. The MCA established a commission system with an unprecedented set of protections for wartime prosecutions. Since the law was enacted, the Justice Department has worked closely with the Defense Department on a wide range of investigative, prosecutorial and civil litigation issues related to the military commissions. Among other things, the Justice Department has:

- Assisted the Defense Department in developing a Manual for Military Commissions that set forth procedures for military commissions. The Secretary of Defense issued the Manual in Jan. 2007.
- Provided a Justice Department team to support the Chief Prosecutor for the Office of Military Commissions in its investigation and prosecution of military commission cases. The Justice team is comprised of attorneys and paralegals from U.S. Attorney's offices around the country and from the National Security Division, as well as a large group of FBI agents and analysts.
- Charged, through a joint Defense Department and Justice Department prosecutorial effort, several high-value detainees, including Khalid Sheikh Mohammed and Ramzi Binalshibh, with offenses relating to their alleged roles in the planning and execution of the 9/11 attacks.
- Devoted extensive Justice Department resources and personnel to defend against challenges to detention brought in federal civilian court by detainees.

VII. Looking Ahead: Combating Homegrown Terrorism & the Spread of Radicalization

Although the Department has achieved significant successes in its terrorism investigations and prosecutions to date, new fronts have emerged as terrorists and their sympathizers continue to radicalize others. These radicalization efforts are taking place on the Internet, in prisons, and in neighborhoods both at home and abroad. As in Europe, which is experiencing a growing problem with homegrown terrorists, the line between international and domestic terrorism is becoming less distinct within the United States. The Department has established several programs to combat the burgeoning threats of radicalization and homegrown terrorism.

Outreach to the Muslim, Arab and Sikh Communities

The Justice Department has placed a strong focus on promoting cultural understanding of those of in Arab, Muslim and Sikh communities, many of whom have been targets of backlash discrimination since 9/11. The Department has also worked hard to improve dialogue with these communities, forge lasting partnerships with them, and dispel myths and misconceptions. Among the actions taken:

- The Justice Department and the FBI have constructed strong, lasting relationships with national Arab American, Muslim, Sikh, and South-Asian American organizations and their leaders.
- The Department's Civil Rights Division has held more than 75 meetings with leaders of these groups since 9/11, and holds bi-monthly meetings that bring together top officials from various federal agencies with representatives of these communities to address civil liberties issues.
- The FBI has launched innovative grassroots programs in each of its 56 field offices to meet the needs of Arab Americans, Muslims, Sikhs, and South-Asian Americans and other communities within their domains.
- The Justice Department's Community Relations Service has held more than 250 town and community meetings around the country specifically addressing 9/11 backlash discrimination issues against Arab Americans, Muslims, Sikhs, and South-Asian Americans.
- Through its local Citizen Academies, the FBI has allowed community leaders from all walks of life to see the FBI from the inside and engage the FBI on a personal level.

Combating Terrorist Use of the Internet

The global terrorist movement has a substantial and growing presence on the Internet, where one can find anti-U.S. propaganda, tutorials on bomb making and religious justifications for acts of violence against innocent civilians. Terrorists continue to use the Internet to solicit funds, as well as for recruitment, radicalization, training and operational planning. This phenomenon remains a significant challenge to the government's counter-terrorism efforts. Among other things, the Department has:

- Employed specific statutes as tools to target terrorist use of the Internet while protecting First Amendment freedoms.
- Brought several prosecutions using the statute, 18 USC § 842 p, which mandates up to 20 years in prison for anyone who distributes bomb making information (via the Internet or other method) knowing or intending that the information would be used for a federal crime of violence.
- Charged several individuals for providing material support to terrorists through websites they allegedly operated, including pending cases against Babar Ahmad and Syed Talha Ahsan in connection with www.azzam.com, www.qoqaz.net, and other sites, and Oussama Abdullah Kassir, in connection with websites that contained instructions on how to make bombs and poisons.

Curbing Radicalization in America's Prisons

The Department of Justice, FBI and Federal Bureau of Prisons (BOP) understand the importance of preventing inmates in U.S. federal prisons from being recruited into the terrorist fold. Since February 2003, the FBI and BOP have engaged in a number of efforts to detect, deter, and interdict efforts by extremist groups to radicalize or recruit in U.S. prisons. These ongoing efforts include:

- Identifying best practices for correctional institutions to combat the spread of radicalization.
- Housing the most dangerous terrorists under restrictive conditions to ensure that they can not influence others, gain reinforcing prestige, or use other inmates to send or receive messages.
- Working with law enforcement and the intelligence community to enhance the screening process for inmates and individuals who enter federal prisons.
- Improving security awareness on religious materials used in prison and increased supervision of religious services areas and activities to include supervision of inmate-led groups and provision of Islamic teachings and guides prepared by Islamic chaplains who are full-time BOP staff.
- Enhancing requirements for religious staff and volunteers. Full-time BOP chaplains must meet significant requirements for academic training, experience, background checks, and a demonstrated willingness and ability to provide religious programs for inmates of all faiths.

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