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FLYING UNDER THE RADAR

Can terrorists be caught before they act?

By Julius (Jay) Wachtel. Fifty-three hours and, to be precise, twenty minutes after a would-be terrorist dropped off a smoldering, bomb-laden SUV at Times Square, Federal agents were escorting him off a commercial flight that was about to depart for Dubai. Given that Faisal Shahzad bought the vehicle off an Internet ad, for cash and without completing any paperwork, and that the seller couldn't as much as remember his name, the quick arrest seemed a remarkable piece of detective work.

Actually, the person who helped the most in catching Shazhad was another inept bomber, Umar Abdulmutallab, who tried to blow himself up on Christmas day on a flight from Amsterdam to Detroit. You see, right after that incident the Feds decreed that everyone entering the U.S. from one of a specified list of countries – including Pakistan, where Shazhad recently spent five months – had to be rigorously screened. When he returned in February, Shazhad got caught up in these checks, and during the process gave inspectors the number of his prepaid, anonymous cell phone. They entered that information into a database.

Two months later, agents desperately trying to identify the SUV bomber punched in the phone number that the vehicle's buyer gave to the seller. Bingo – Shazhad was a mystery no more!

Agents quickly determined that Shazhad lived in a Bridgeport, Connecticut apartment complex. They arrived just in time to watch their quarry pull up in a vehicle registered under his name. But as a surveillance was organized he somehow managed to slip away. At JFK airport Shazhad paid cash for a one-way ticket and boarded the aircraft. He would have been long gone, too, had government analysts at

a data center not noticed his name on the final passenger manifest filed by Emirates Airlines as a matter of routine.

It's become a truism that real terrorists always get caught after the fact; that is, once the harm has been done. Well, *almost* always. In a 2009 case that an expert called "one of the most serious terrorist bomb plots developed in the United States," the FBI arrested Najibullah Zazi, Adis Medunjanin and Zarein Ahmedzay for conspiring to detonate bombs on the New York subways (so far Zazi and Ahmedzay have pled guilty.) Although it's unknown exactly what first led agents to the trio, who like Shazhad had recently returned from Pakistan, the case was built on extensive physical and electronic surveillance and to all appearances interrupted a Madrid-style attack ostensibly planned for the September 11 anniversary.

Groups produce more noise and more opportunities for detection and intervention than individuals. But when evildoers are lone-wolves like Shazhad, a naturalized U.S. citizen without known extremist ties, prevention may be hopeless. Timothy McVeigh, executed for the 1995 Oklahoma City bombing, was a Gulf-war veteran with a Bronze star. Obsessed with guns and carrying an intense hatred for the government, the obscure militant with a clean record committed the second most devastating terrorist act in U.S. history, taking 168 lives and injuring nearly 700.

Fifteen months later one person was killed and more than one-hundred were wounded when another shadowy radical set off a bomb during 1996 Summer Olympics. Eric Rudolph went on to bomb several abortion clinics, killing an off-duty cop and severely injuring several other bystanders before he was caught.

According to House intelligence subcommittee chair Rep. Jane Harman (D - Calif.), anticipating what unknowns like McVeigh, Rudolph, Abdulmutallab and Shazhad might do is a daunting task. "It's a tough problem. Think about this kid [Shazhad] living in the suburbs of Connecticut. Nobody knew who he was. How do you uncover this?"

If going after individuals is too tough, what about restricting the sale of bomb-making materials? Unfortunately, these are exceedingly commonplace. "Are we going to regulate the purchase of propane gas, firecrackers and fertilizer?" asks Paul Rosensweig, a senior security official under Bush. "That means regulating every farmer in America."

Others hold out more hope. Another former Bush official, Frances Townsend, favors a "dynamic and target-based intelligence system" that would take into account factors such as Shazhad's odd trip to Pakistan (he spent five months there, not paying his mortgage and leaving the bank to foreclose on his house.)

Her suggestion – that intelligence databases expand their reach to encompass a host of factors that may be associated with terroristic intent – is an old idea. Collect as much information as possible on individuals who trip the system in any way, from foreign travel to association with known troublemakers to cell phone numbers, then filter it using whatever indicia of terrorism can be developed. Presto – a terrorist lead is born!

Indeed, that's one of the approaches that your blogger and his former ATF colleagues successfully used to develop leads on gun traffickers. Police agencies in Southern California recover thousands of guns each year. These were traced to the first retail dealer and the results entered into a database. Leads were developed by filtering guns recovered soon after purchase – say, within six months – with known indicators of trafficking (e.g., guns purchased by females and recovered from gang members). Naturally, at some point inquiries must shift to the field, where processing becomes far more resource-intensive. In the end, there is only enough time and manpower to give attention to very few leads, meaning that many worthwhile targets will remain unmolested.

While the ultimate consequences of gun trafficking are grim, they're obscured by the everyday criminal mayhem that we accept without blinking an eye. That's not true for terrorism, where one episode is one too many. Yet whether it's generating leads on gun traffickers or terrorists the constraints are the same. Cast too wide a net and you'll be overwhelmed, swamping the system, irritating honest citizens and possibly infringing on their rights as well. Select too few and should a bomb go off you'll be criticized for overlooking what critics will quickly point out should have been obvious from the start.

A lot seems to depend on just how long it's been since the last attack. Three months after the government invoked a broad-spectrum approach to screening foreign travelers (its response to the Christmas Day bombing attempt) President Obama announced a major relaxation. An official justified the loosening. "It's much more tailored to what intelligence is telling us and what the threat is telling us, as opposed to stopping all individuals from a particular nationality or all individuals using a particular passport."

Of course, had this more permissive approach been in place when Shazhad returned from Pakistan his cell phone number would have never been become a matter of record. He'd be in Pakistan right now, thumbing his nose at America.

Regrettably, when it comes to terrorism, it takes only *one* wacko to tango.