



**COUNTERTERRORISM: THE ROLES OF FEDERAL,
STATE AND LOCAL AGENCIES**

By Edward A. Turzanski

The principle of subsidiarity holds that each level of government properly does those tasks for which it is best suited. In order to ensure the most efficient and successful employment of resources and win public confidence in the competency and appropriateness of government actions, each level of government has to have a firm understanding of and transparent accountability for functions that our laws and public common sense expectations require. This principle is critical when discussing federal, state, and local agency roles in protecting the American homeland as we move further in time from the 9-11 attacks and closer to the next one. Although we hope it does not come for a very long time, another attack is highly probable.

Constitutionally, the federal government is responsible for those elements of diplomatic, military, and intelligence policy, and the attending departments, that identify and combat terrorist entities and state sponsors. It is, and by practical and legal definitions must be, responsible for developing a strategic vision that identifies and disseminates the menu of existing and evolving threats, known weaknesses, and likely domestic targets of terrorist intentions. Only it can decide, as it has done, that our national policy will be to play offense rather than defense: to fight terrorists before they reach our shores rather than adopt a defensive posture. Similarly, only Washington can craft the national policies and standards to prevent and respond to terrorist attacks, and only it can generate the adequate resources for the same purposes.

The Homeland Security Act of 2002, Homeland Security Presidential Directive 5, the National Security Strategy, and the National Response Plan (updated May 25, 2006) speak to the legal authority and practical issues imbedded within the federal government's homeland security responsibilities. As importantly, these documents speak to an overall framework by which all levels of government will interact to identify, preclude, or minimize and, failing that, respond to terrorist attack. The Department of Defense's "Strategy for Homeland Defense and Civil Support," made public June 30, 2005, charges the Department of Defense with:

- 1) achieving maximum awareness of potential threats;
- 2) deterring, intercepting, and defeating threats at a safe distance;
- 3) achieving mission assurance through force protection, securing defense critical infrastructure, and ensuring continuity of operations);
- 4) supporting civil authorities in minimizing the damage and recovering from chemical, biological, radiological, nuclear or high-yield explosive (CBRNE) mass casualty attacks; and
- 5) improve national and international capabilities for homeland defense and homeland security (principally through active, layered defense).

To achieve these objectives, the DOD report speaks to the need for developing certain core capabilities, including intelligence surveillance and reconnaissance capabilities, information sharing, joint operational capabilities for homeland defense, and interagency and intergovernmental coordination.

Within these core capabilities one finds both good news about what has been achieved since 9-11 and reminders of the challenges that must be met if we are to continue succeeding in preventing another fateful day. But first it must be noted that our adversaries tend not to behave in a random fashion. Before 9-11 no gift of clairvoyance was needed to know that al-Qaeda was going to use planes as flying bombs. Project "Bojinka," the 1995 plot to explode trans-Pacific airliners and to fly hijacked planes into CIA and NSA headquarters, had been identified and disrupted; enough chatter was being picked up by both the CIA and the FBI for it to be clear that something was percolating within the continental U.S.; and the 1993 attempt to bring down the World Trade Center should have informed counterterrorism planning and measures to a much greater degree than it did.

An old saying holds that “If you do not know your destination, any route will do.” We need to recognize that “any route” will not do. If we want to stop our adversary, we need to know his destination. Again, the DOD Strategy for Homeland Defense and Civil Support is instructive in this regard. In riveting, clear, terms, the document states the assumption that “Terrorists and/or rogue states will attempt multiple, simultaneous, mass-casualty CBRNE attacks against the United States homeland.” The use of the word “will” should provide sufficient intellectual and moral resolve for our investigation of what has gone well and what must be done better.

First, the good news. Using the Delaware Valley as a case study, the degree of information-sharing and interagency and intergovernmental coordination has never been as great as it is today. Whereas before 9-11 cooperation within and between levels of government was episodic, at best, today information is being shared and support is being provided on a real-time, actionable basis. Patrick Meehan, U.S. Attorney for the Eastern District of Pennsylvania, has done a masterful job in leading the Joint Terror Task Force (JTTF), which has become a key vehicle for sharing information within and between levels of government. On a state level, the PA State Police Criminal Intelligence Center (PACIC) provides usable information and, as importantly, instills confidence in those who rely on and generate accurate, actionable intelligence. It is critical at this time to build on that model of cooperation by creating a clear stream of real-time, value-added, actionable intelligence from the people in a position to recognize the movement and synergies between terrorists and like-minded individuals and criminal enterprises operating within the continental U.S. Federal entities must aid in the formation, training, and funding of local and state law-enforcement officers as counterterror analysts and investigators in those 45 or so areas across the United States where local terror Intelligence Fusion Centers (IFCs) operate.

Our FPRI Center for Terrorism and Counterterrorism co-chair, Stephen Gale, would hasten to point out that critical infrastructure elements such as our transportation and electrical generation and distribution nodes have not been adequately hardened and that plans for how to cope with their disruption are insufficient; that emergency evacuation and shelter-in-place protocols have not been developed for major metropolitan centers; that interoperability of communications is still more of a promise than a reality; and that an undetected and unchecked bomb placed in the cargo hold of a plane (Pan Am 101 Lockerbie style) or a Bojinka-like hijacking culminating in a suicide attack on an oil refinery are still much too real a possibility. Certainly, every one of those deficiencies in planning needs to be addressed sooner rather than later. With this said, a case can be made that enhancing state and local-level intelligence investigation and analysis is the most critical and cost-effective way of addressing the dire circumstances presented in the DOD observation about the inevitability of CBRNE attack. That enhancement can be best achieved through the training and funding of local and state law enforcement officers working in counterterror bureaus in those areas where IFCs exist.

We are seeing increases in the confluence of interests between terrorists, drug and human traffickers, gambling, prostitution and other organized crime elements and in the influence of Wahhabi-funded imams in American prisons, whose converts are likely terrorist recruitment targets. At the same time, municipal regions provide too large a menu of targets to harden and otherwise secure in a way that is economically feasible and as accommodating of free human existence as is required by our laws and public expectations. No one from inside the Beltway can be street-smart or responsive to all these locale-specific interactions where terrorist intent can meet opportunity and need. Therefore, local and state police must be given the financial and practical means to create IFCs that will inform and support the activities of federal counterterror efforts.

Analysts and investigators should be trained as category-specific teams or divisions, so that they have a firm grasp of needs and realities on the ground, and how their specific target interacts with terrorists or terror-related activities. In Philadelphia, for example, one would create divisions focusing on Palestinian/Hamas/Middle East entities, the Russian Mafia, Albanian/Balkan groups, Central Asian gangs, Asian gangs, Hispanic/Latin American gangs, Black gangs, domestic terror groups (i.e., Animal Liberation Front, white supremacists); and local Cosa Nostra organized crime.

Two investigators and one analyst would train and work together in each division. Their analysis would be fused within Philadelphia’s IFC and then, along with a similarly designed center in Pittsburgh, information would be sent to the commonwealth’s IFC in Harrisburg. The model should be replicated for those high-value areas which federal sources believe to be of specific interest to terrorists (likely the same 45 that currently operate IFCs).

Because the local and state IFCs would provide information on matters of critical national significance, standards for training and funding should come from Washington. In addition to money and expertise to create and sustain local and state IFCs, greater interoperability and communications, evacuation and shelter-in-place regional planning, and hardening of likely terror targets; there is one other critical need which federal, state, and local agencies will need to meet on a more consistently effective level than at present.

It is not just armies and intelligence services but entire nations that go to war. The CBRNE threat we face is a war-fighting matter that requires the support of the American people. Elected and appointed leaders need to provide the public with a moral and intellectual rationale that provides clarity and confidence in the actions taken. People will pay for value, they will support the creation of structures and the adoption of prudential measures, and they will accept added complexity and inconvenience in their lives, as long as the nature of the threat has been adequately explained and as long as they perceive

competence of authority and strength of leadership.

Terrorists are only constrained by their capabilities, not by any moral ambiguity or misgiving. They ruthlessly and efficiently exploit the weaknesses of their victims and targets, they easily make accommodations with entities and people with whom they share similar rather than identical interests, they generally demonstrate a patience and determination that is unusual by the standards of American culture, and they are supremely confident of the superiority of their cause. Not only do government entities need to hardwire this understanding within a majority of the American voting populace, they need to inspire a willingness to sacrifice, to invest, to forego conveniences and to labor towards a common goal.

This, of course, becomes much more difficult--though no less important--the further away time takes us from 9-11 without another terror attack on American soil. Federal, state, and local authorities must guard against a relapse of September 10-style laxity. To prevent this, they will need to work smarter, harder, and in a way that intellectually, morally and practically engages all Americans. IFCs are a sound tactical step, but only when guided by a strategic vision that reminds Americans of why we fight and why we must win.

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