

**Inquiring Minds**  
**October 7, 2016**  
**Howard Pachman, Moderator**

***Cyber [in] Security***  
**or**  
***When the U.S. Government Checks You Out***

**In recent security attacks in New York City and New Jersey, did the FBI fail in its follow up investigation?**

**Are personal civil rights less critical when we need to be doing all we can to deter terrorist acts, whether directed by non-state actors or merely inspired by them?**

**Should there be different investigation standards for citizens, naturalized citizens, or foreign persons?**

**Is the U.S. government our enemy or our friend?**

**Are you willing to give up your right to privacy to feel secure in public places via surveillance?**

**Would you be comfortable with your online activity being accessed, either routinely or in special situations, as part of national security protocols?**

**Is cyber security for all citizens meaningfully different from the airport security screenings we go through?**

**Should we ban internet access to sites which the government deems dangerous?**

# The Wall Street Journal

## FBI Director Tangles with Lawmakers Over Terror Probes

*James Comey defends agency's handling of investigations into Omar Mateen and Ahmad Khan Rahami*

By DEVLIN BARRETT  
Sept. 27, 2016

The head of the Federal Bureau of Investigation on Tuesday defended his agency's handling of probes into two men who authorities say later carried out terror attacks, though he acknowledged that in the case of an Orlando, Fla., nightclub shooter, agents hadn't searched his online activity for indications of radicalization.

At a hearing before the Senate Homeland Security Committee, FBI Director James Comey was repeatedly pressed by lawmakers about whether the FBI should have investigated longer before closing its probes into Omar Mateen and Ahmad Khan Rahami, which took place long before authorities say they undertook their acts of mass violence.

Mateen killed 49 people at a June shooting at an Orlando nightclub before being shot to death by police. Mr. Rahami is awaiting trial on charges he placed bombs around New York and New Jersey earlier this month that injured 31 people.

Sen. Rand Paul (R., Ky.) questioned whether the FBI was effectively using its investigative tools and whether the agency had twice closed its investigations too quickly to catch a suspected or known terrorist.

Mr. Comey defended the work done by his agents, telling the senator that in both cases, "your facts are wrong."

He did acknowledge under questioning that when the FBI investigated Mateen in 2013 and 2014, they used undercover operatives and recorded some of those conversations but didn't get warrants to find out what he was doing on his electronic devices.

Sen. Kelly Ayotte (R., N.H.) said she didn't understand why an online search wouldn't be part of such a probe. "It just seems surprising to me that there wasn't some kind of online work done," she said. Mr. Comey said the agency is conducting reviews of how it handled both cases, and will be candid about the results of those efforts. "Where we make mistakes, we will admit them," he said.

The Mateen and Rahami cases were unrelated, but both men were investigated by the FBI in 2014 for possible ties to terrorism. In both cases investigators didn't find enough evidence to merit further scrutiny and the cases were closed.

Mr. Rand repeatedly pressed Mr. Comey on whether the FBI should keep terror investigations open longer. He replied, "We should keep them open as long as the facts warrant keeping them open....We have the policies and the tools, by and large, that we need to do this well."

Mr. Comey repeated a warning he has voiced in recent months that as the Islamic State terror group continues to lose sway in Syria and Iraq, the result will eventually be a diaspora of hardened terrorists that will threaten Europe and the U.S.

"The so-called caliphate will be crushed. The challenge will be, through the fingers of that crush are going to come hundreds of very, very dangerous people," the FBI director said. "There will be a terrorist diaspora sometime in the next two-to-five years like we've never seen." To counter that threat, he said, Western countries will have to knit their information-sharing systems together tightly so that suspects can be tracked and detected quickly.

**A**hmad Khan Rahami was charged with attempted murder and using weapons of mass destruction on Tuesday, and the casualty list could have been much worse than 31 injured. The recent spate of similar domestic attacks and near-misses is a reason to revisit the antiterror policy debate.

To wit, the Rahami case raises troubling questions about whether U.S. law enforcement and intelligence are gathering, analyzing and acting on the information they need to detect and disrupt threats before they happen. Mr. Rahami, who came to the U.S. in 1995 with his family of Afghan asylum seekers, was arrested in 2014 for stabbing his brother, and his father told the police then that his son was involved in terrorism.

The Federal Bureau of Investigation opened an "assessment," which is a risk review short of a full criminal probe that includes interviews and cross-checks of federal terrorism and criminal databases. Mr. Rahami was cleared, though he travelled to Pakistan and Afghanistan several times over the last decade, including a year in the Taliban hothouse of Quetta.

Family and friends now say Mr. Rahami returned from these sojourns religiously and politically radicalized, and he began wearing traditional Islamic dress. He ordered his IED components online. Missing these red flags was especially notable given New York City's antiterror focus since 9/11.

Was Mr. Rahami's spree preventable? More details will emerge, but he is merely the latest domestic terrorist who had encounters with law enforcement or otherwise displayed suspicious patterns before acts of mass violence.

In 2013 the FBI assessed Omar Mateen, the Orlando nightclub killer. He was removed from the terror watch list the next year, despite trips to Saudi Arabia and his acquaintance with Moner Mohammad Abu-salha, a Floridian who became a suicide bomber in Syria in 2014.

The 2015 San Bernardino killers, Syed Rizwan Farook and Tashfeen Malik, weren't in the terror database. But they spent a year planning and maintained an extensive digital correspondence about jihad and martyrdom. Malik was born in Pakistan and spent time in Saudi Arabia before marrying Farook.

The FBI also kept a file on the Tsarnaev brothers, the Boston Marathon bombers, after receiving a tip in 2011 that Tamerlan Tsarnaev was a dangerous Islamic radical. The G-men missed his trip to a Muslim region in Russia near Chechnya. The voyage registered on a Homeland Security travel monitoring system when he left, but the listing somehow lapsed by the time he came back and no one was alerted. Similar failures have also been documented after the separate attacks on two Tennessee military bases and in Garland, Texas in 2015.

Pre-empting such plots is difficult work, especially involving "homegrown violent extremists" or HVEs as they are called in government. Over the last two years the FBI has thwarted attacks by more than 90 HVEs, though no amount

of vigilance can stop every killer.

Yet Americans are right to wonder about the erosion of intelligence collection in the post-Edward Snowden period, even as the terror danger has increased to a post-9/11 high. Islamic State isn't the al Qaeda of 2001. ISIS is a creature of modern technology, and across social media and the "dark

web" they have a wide reach to disseminate propaganda and training materials. Unlike al Qaeda, they encourage random people to self-radicalize and carry out attacks.

To find the terror signal amid this noise, U.S. counterterrorism operations need the same or better technological tools as ISIS. Yet last year Congress and President Obama panicked over the Snowden disclosures and limited several surveillance programs with the USA Freedom Act. The debate now should be about expanding interrogation and surveillance.

Mr. Rahami has already been read his Miranda rights and lawyered up, even though we're told he isn't cooperating with the FBI, which doesn't know if he had help or where he learned to build those bombs. The next President should reverse Mr. Obama's policy and allow terrorists captured on U.S. soil to be declared enemy combatants who can be interrogated at length to prevent future attacks.

As for surveillance, about 2.5 quintillion bytes of data are generated every day—digital traces from social media, consumer purchases, call logs and smartphones. Google, social networks, credit-card companies, banks, retailers, academic researchers and many others analyze this information with algorithms to make money, innovate or learn about society. Politicians use data mining to target voters. The irony is that Hillary Clinton's campaign probably knows more about individual citizens and their behavior than Mrs. Clinton could know if she becomes Commander in Chief.

If someone pledges allegiance to Abu Bakr al-Baghdadi on Facebook, travels to the Syro-Turkish border, buys pressure cookers on Amazon and then pays the toll at the Holland Tunnel, algorithms can integrate this information and flag authorities. This is "profiling" only in the sense of searching for associations and statistical probabilities. As for privacy, algorithms are less intrusive than searches, wiretaps and undercover operations.

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This is the antiterror debate we should be having but aren't. Donald Trump is focusing on immigration, but Mr. Rahami was a naturalized citizen who came to the U.S. as a child. "Extreme vetting" wouldn't have stopped him or most of the others mentioned above. Mrs. Clinton says any profiling that includes Muslims makes Mr. Trump a "recruiting sergeant for the terrorists," which dodges the Islamist reality.

America's terror fighters need better tools to uncover the ideological and material links that could pre-empt another ISIS-inspired mass murder on U.S. soil. The next bomber may be more murderously successful than Mr. Rahami.

WSJ Editorial

# Times

## AT HOME

The next president must also confront threats on American soil from extremists who enter this country to commit terrorist acts as well as from people living here who are not formally allied with terrorist groups in the Middle East but draw inspiration from their calls to violence and become radicalized. Authorities said that was the case of Ahmad Khan Rahami, who, before being charged in connection with the weekend bombings in Manhattan and at the Jersey Shore, invoked "brother Osama bin Laden" among other role models.

Since 9/11, local, state and federal law enforcement has thwarted the overwhelming majority of terrorist plots against the United States. Yet, attacks in cities like Boston, Orlando and San Bernardino have made many Americans fear that the threat is getting closer.

Neither Mrs. Clinton nor Mr. Trump has an answer for bombings that result from an individual's personal demons. Perhaps no one does. What's clear, though, is that the struggle against extremists has to be waged on multiple fronts — ideological and cultural as well as military and diplomatic. To be successful, a president must be prepared to address them all.

## **The Economist .Mic**

### **The Intersection Between Civil Liberties & Security: How Far Should Government Go to Protect Us?**

By Sal Bommarito  
February 01, 2012

The issue of civil liberties crops up in many essays and comments on *PolicyMic*. We all cherish and demand the rights afforded to us under the Constitution, but there is great disagreement about the appropriate extent of government intrusion in our lives. This essay will explore the reasons why this issue has been so controversial and discuss some of the activities that precipitate great passion.

Americans must be more cooperative with each other in the search for appropriate government intervention. Security is just as important as civil liberties, but currently, our leaders are sometimes too reactive when tragedy befalls us, often times over legislating against new threats to our freedom. Our leaders and lawmakers must have foresight and enact legislation that protects us from criminals and terrorists, but does not drill too deep into our private lives or violate any provisions of the Constitution.

The most important perception that serves as the foundation of one's tolerance for intervention is the role of government in our society and whether it is our friend or our enemy. The latter causes many to be overly cautious about controversial intrusion including wire-tapping, drones, GPS devices and Transportation Security Administration airport searches.

There is a direct correlation between intrusion and safety that should be considered by every citizen, Congress, and Supreme Court. Generally, the more security that is applied to a specific threat, the least likely it will occur. Greater security creates concern among criminals and terrorists about apprehension and decreases their chances of success. The security we encounter at the airport is an excellent example of this phenomenon.

Since 9/11, there have been no successful airline terrorist attacks. The reason for this phenomenon is easily traced back to the intrusive searches by the TSA, security on the aircraft including secure doors to the cockpit and the presence of air marshals and the yeoman efforts of the authorities to thwart terrorist plots early on. But, what is the price to us as citizens? Many would say the searches are overly intrusive and violate our privacy rights. Others would say it is all worth the inconvenience for increased safety.

Wire-tapping and GPS monitoring have already been vetted by the SCOTUS. The decisions are that these activities by our authorities are in violation of our civil liberties without court approval. What is the price of these decisions? Unfettered actions by the authorities in these areas would likely result in more arrests and less crime. Given that they would only be applied to known criminals (assuming the government is working exclusively for our safety), why the concern? And, there seems to be an inconsistency between the oversight of wiretapping and GPS devices, and searches at the airport.

I thought the *PolicyMic* debate about the use of unmanned drones in America was particularly thought-provoking. Drones would monitor every citizen, just as all passengers are being screened at the airport. So the “political correctness” standard would be met. Why then would drones patrolling our skies be a violation of our civil liberties? One concern given was that lustful drone operators could spy on sunbathing women.

The scale of government intervention ranges from a totalitarian environment where security is high and crime is low, a la Iraq during the Hussein era, or China today, to an anarchistic state where laws are lax and everyone can do as they please. As Americans, almost all of us believe that neither extreme would be ideal.

I propose a continuing reassessment of intrusive government activities meant to keep us safe. I suggest we all begin our assessments assuming that our government is our ally, not our enemy. This process should get us to a reasonable compromise over time and a balance between security and liberty.