TESTIMONY

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Containing Middle East Terror

Measures to Reduce the Threat Posed By Foreign Fighters Returning From Syria and Iraq

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Before the Committee on Homeland Security
Subcommittee on Border and Maritime Security
House of Representatives

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Chairwoman Miller, Ranking Member Vela, distinguished members of the subcommittee, I would like to thank you for the opportunity to address this important subject.

My testimony will address two fundamental questions:

1. What is the threat posed by Western fighters who have joined jihadist fronts in Syria and Iraq?

2. How can the United States enhance its ability to identify and intercept returning foreign fighters with passports from European and other countries that are currently covered by the Visa Waiver Program?

Let's begin with the threat.

Over the past eight months, my colleagues at RAND have had several opportunities to offer congressional committees their assessments of the evolving threat posed by jihadist groups in the Middle East and North Africa.[3] While the focus of my colleagues and their interpretations of

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[2] This testimony is available for free download at http://www.rand.org/pubs/testimonies/CT427.html.

[3] See Seth Jones, *Jihadist Sanctuaries in Syria and Iraq: Implications for the United States*, testimony presented before the House Homeland Security Committee, Subcommittee on Counterterrorism and Intelligence on July 24, 2014; Ben Connable, *Defeating the Islamic State in Iraq*, testimony presented before the Senate Foreign Relations Committee on September 17, 2014; and Rick Brennan Jr., *The Growing Strategic Threat of Radical Islamist Ideology*, testimony presented before the House Foreign Affairs Committee on February 12, 2015.

the evolving threat vary, I regard my own testimony to be the latest installment this continuing body of work.[4]

Syria's civil war, Assad's brutal repression, the spread of jihadist ideology, the growing sectarianism of the conflict in Syria and Iraq, the military victories achieved by the Islamic State of Iraq and the Levant (ISIL), and, perhaps above all, ISIL's announced re-creation of the Caliphate have galvanized would-be jihadist warriors throughout the world.

According to the latest reported intelligence estimate, 20,000 foreign fighters have traveled from other countries to join the fight in Syria and Iraq.[5] Most are believed to have joined ISIL. "Estimate" is the operative word here, but if the number is close to correct, this would mean that foreign fighters now comprise a large portion of ISIL's total strength—estimated to be as many as 31,000 fighters—and enough to influence its trajectory. Most of the volunteers come from other Arab countries, but the National Counterterrorism Center (NCTC) has estimated 3,400 have come from Europe and other Western countries and are therefore theoretically eligible to enter the United States without a visa. Most of these Western volunteers are believed to have joined ISIL, which now calls itself the Islamic State.

The coalition bombing campaign—which was intended to (1) contain ISIL by supporting partners on the ground, such as the Kurdish Peshmerga, who are reclaiming territory lost earlier to ISIL; (2) prevent ISIL from being able to move freely in Syria and Iraq; (3) disrupt and degrade its command and control; (4) reduce its logistical capabilities; and (5) target key leaders where possible—has taken a toll on ISIL's operational capabilities. But it does not appear to have significantly reduced the flow of Western fighters to Syria and Iraq: The reported numbers have continued to increase since the bombing campaign began in September 2014. In part, the growing numbers may reflect a time lag as authorities learn about those who departed before the bombing campaign began. However, there is evidence that the flow of recruits continues. France's prime minister recently forecast that by the end of this year, as many as 10,000 Europeans may join the jihadist front in Syria and Iraq.

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[4] This testimony also builds on my recent previous research, as reported in *The Dynamics of Syria's Civil War,* Santa Monica, Calif.: RAND Corporation, 2014; *Brothers Killing Brothers: The Current Infighting Will Test al Qaeda's Brand,* Santa Monica, Calif.: RAND Corporation, 2014; and *When Jihadis Come Marching Home: The Terrorist Threat Posed by Westerners Returning from Syria and Iraq,* Santa Monica, Calif.:. RAND Corporation, 2014.
[5] Nicholas J. Rasmussen, Director of the National Counterterrorism Center, *Current Terrorist Threat to the United States,* testimony before the Senate Select Committee on Intelligence, February 12, 2015.

ISIL's Recruiting Attracts the Violence-Prone

ISIL operates a sophisticated recruiting program, which includes its highly publicized victories and its equally well-recorded atrocities. Its message is disseminated through its official outlets on the Internet and reinforced by a distributed recruiting campaign by its own members using social media. ISIL appeals to potential recruits' sense of religious duty—faith undeniably plays a role in recruitment, even though volunteers may not possess a profound knowledge of Islam. Like all true believers, recruits may be attracted by a simple black-and-white, us-versus-them belief system. Poverty and oppression may explain why people in some countries embrace violent extremism, but it does not explain the flow of Western volunteers. Individual biographies of those who have gone to participate in jihad or have attempted to go suggest a variety of personal motives—alienation, perceived insults, personal crises, dissatisfaction with empty spiritual lives, adolescent rebellion, or other discontentment.

ISIL is a dangerous group. It distinguishes itself from other jihadist groups by continuing to publicize its limitless violence. This attracts a self-selecting assembly of individuals who are not repelled by graphic images of mass executions, beheadings, crucifixions, and burnings and who indeed may be attracted by opportunities to participate in such atrocities. They exult in violence. Gathering as a group in Syria and Iraq, they may reinforce each other's savagery, creating a constituency within ISIL that supports escalating violence.

This dynamic is present in most terrorist groups. For the ideologues who initiate terrorist campaigns, violence is instrumental—a means to achieve an end. Violent campaigns attract others who subscribe to the ideology but actually seek membership in a terrorist group as a source of status. For a third cohort, the prospect of violence is the principal attraction—ideology offers a license to kill.

Over time, the harder members of a group dominate decisionmaking. Their argument is always the same—if the group is not doing well, it must become more ruthless. If the group is doing well, escalation will accelerate progress. Hardliners cannot easily be reined in, even if the leaders want to restrain them. Commanders who counsel moderation risk being branded as traitors and eliminated, or hardliners may break off to form their own groups. This is not to say that we have any evidence at all of attempts by ISIL's leaders to moderate the group's activities; instead, they appear to encourage barbarity. Still, there must be some tension between those who want to build a state and those whose increasing barbarity makes them appear determined to trigger its destruction.

Transgression demonstrates conviction and binds the perpetrator to the cause. ISIL seems determined to separate its fighters from normal society. There are reports that the group forces recruits to commit atrocities to ensure their loyalty and reduce chances that they can ever return home.

The accumulation of atrocity increasingly precludes any resolution other than continuing warfare or death. For the group as well as for the individual, having crossed the line into nihilism, there is no way back.

ISIL's Calculated Ruthlessness—Strategic Calculation or Collective Madness?

To the outside world, ISIL's escalating murder and destruction is incomprehensible. Rational explanations are required.

We invent strategic calculations (or miscalculations) that make mayhem logical. Analysts posit that ISIL's leaders intend its atrocities to provoke the rage that draws in foreign ground forces, where casualties and captures will erode resolve and impose a time limit on foreign military achievement, will incite responses that divide the coalition, or will precipitate action before ISIL's foes are fully prepared to take it on.

Continuing warfare changes the individual outlooks of those involved. Armed conflict can brutalize its participants. Violence, not just on the battlefield but in executions, torture, and mistreatment of prisoners, hostages, and the civilian population, becomes matter-of-fact. Atrocities become routine. This has effects on the mental condition of both the individual and the collective. A gathering of violent zealots can lead to collective madness in which sadistic cruelty becomes an end in itself, requiring no strategic explanation.

It may be unpleasant to contemplate, but we cannot dismiss the power of belief. ISIL has attracted the most fervent disciples to an extreme (many would say discredited) version of Islam, recruits who believe in the imposition of the cruelest form of Islamic law without compromise. This belief system may include apocalyptic thinking; the idea that escalating violence will hasten the final confrontation between true believers and the forces of evil. There is a fierce debate over whether ISIL represents or perverts Islam, but the fact that ISIL's theological pretensions are widely rejected by Muslim clerics, both militant and centrist, is not the point here. Polling data and a continuing flow of recruits from Europe indicate that ISIL's religiously justified violence resonates with some.

There will be Caligulas. To possess unchallenged power over other human beings, beyond the reach of retribution, immune from any restraining moral authority, allows license and cruelty.

Through its strategy of terror, exaltation of violence as a recruiting theme, attraction to and assembly of the most fervent and most ruthless followers, and deliberate rejection of any constraints, ISIL is creating a dangerous population that cannot be easily pacified or reabsorbed into normal life.

There Are Scenarios of Immediate Concern

A long-term terrorist threat that survives the destruction of ISIL warrants our attention, but there also are several scenarios of immediate concern. These include the following:

- A 9/11-like scenario in which foreign volunteers on their way to the front lines in Syria or Iraq are instead recruited and supported to carry out a major terrorist strike in the United States. This is the 9/11 scenario, where the attackers were on their way to an active combat zone when they were instead diverted to a terrorist mission. It seems unlikely that in today's more vigilant environment, terrorists could mount an operation of that scale without being detected.
- A shoe-bomber or underwear bomber scenario in which a single volunteer is recruited and equipped for a suicide mission. There were reports in 2014 of such plotting by al Qaeda's Khorasan cell, a group of veterans sent from Afghanistan to Syria to recruit and deploy fighters with Western passports.
- 7/7 scenarios, named after the 2005 bombing of public transport in London, in which Westerners are provided with specialized training and dispatched to the West without further support.
- Low-level attacks carried out based on individual initiative. These could involve returning foreign fighters or homegrown terrorists responding to calls by ISIL or al Qaeda's affiliates to carry out attacks. These might include active shooter attacks and hostage situations as we have seen in Ottawa, Paris, Sydney, and Copenhagen.

ISIL Is Not Yet Committed to Attacking Western Foes on Their Own Territory, but Its Containment Could Change Its Strategy

There is no indication yet that ISIL has initiated a terrorist campaign aimed at directly attacking its Western foes on their own territory. It has taunted and threatened the West in widely disseminated videos showing gruesome murders of Western nationals. It has called upon its supporters abroad to carry out similar acts of terrorism and has praised those who have done so.

However, unlike al Qaeda, which continues to follow a strategy of attacking the "far enemy," ISIL appears more focused on the expansion and defense of the territory it controls as the Islamic State. This reflects necessity. With an economy based on plunder and an army of fanatics, it is doubtful that the Islamic State could survive as a normal state within static borders even if its enemies were to allow it to try. It must continue to expand or it will consume itself.

Squeezed by ground offensives supported by foreign airpower, ISIL may at some point alter its strategy and carry out attacks abroad in an effort to break the coalition's political resolve. If ISIL does decide to launch attacks abroad, it will be able to draw upon its substantial financial resources and a deep bench of Western volunteers from among its existing fighters.

The defeat of the Islamic State could turn into a scenario of slaughter, as victims of its cruel occupation and even its one-time Sunni allies turn against it if only to preempt Shi'a retribution. But its destruction could also shatter the enterprise into a host of small, desperate groups, on the run, bent upon revenge.

If the Islamic State is brought down, where will its foreign fighters go? Facing a hostile reception if they had returned home, foreign volunteers who went to Afghanistan to fight Soviet invaders in the 1980s gathered under al Qaeda's banner. Some ISIL veterans will migrate to other fronts in Afghanistan, where ISIL has already set up shop; to the Caucasus, from which a large number of its foreign fighters, including a number of its commanders, come; or to Libya, where ISIL has found new allies. Some Western volunteers, disillusioned by their experience and with nowhere else to go, will simply want to come home. Others will direct their wrath toward the West.

Most face arrest if they return to their home countries, although European countries are divided on how to deal with returning fighters. Instead of prison, some countries want to offer rehabilitation and reintegration into society, at least to some returnees. It will likely be hard to determine the degree of individual participation in atrocities. Given ISIL's record, "re-humanization" may be a prerequisite to rehabilitation. Clearly, there are some advantages to

offering a way back if it requires an open declaration of return and willingness to cooperate with authorities.

But rehabilitation programs have had mixed results, and resources for surveillance are already stretched by the number of people going to or returning from jihadist fronts. Authorities may not have the resources needed to effectively monitor significant numbers of individuals at large. This clearly was France's problem in dealing with the rapid rise in the number of persons going to Syria or contemplating going there. And jihadists have shown remarkable persistence, which means they may have to be monitored in some fashion for years.

I think it is safe to assume that foreign fighters from other countries seeking to enter the United States are more likely to have malevolent intentions than returning Americans. Their capabilities for putting together large-scale terrorist operations here may be limited, but not their intentions. ISIL's fighters have set a new benchmark for brutality. They have rejected all arguments to curb their enthusiasm for bloodshed, whether from Islamic theologians or even al Qaeda's own leaders.

The American Experience

Although the numbers continue to grow, the number of individuals from the United States going to jihadist fronts is, fortunately, not anywhere near the number that have gone from Europe. The most recent estimate puts the total of American volunteers at 150, including those who went for reasons related to the conflict in Syria but not to join jihadist fronts, those who attempted to go and were arrested on the way, and those who have gone and been killed while fighting for ISIL or other jihadist groups.

The historical experience of Americans going to other jihadist fronts (in Afghanistan, Pakistan, Somalia, and Yemen) indicates that, of 124 publicly identified Americans who went or tried to go abroad to join such fronts between 9/11 and the end of 2014, approximately one-third were arrested on the way. Of those who managed to connect with jihadist groups abroad, 24 were killed (six in suicide bombings), 13 were arrested while abroad, and 13 more are still at large. Of the 35 who returned, nine were involved in subsequent terrorist plots. Only three homegrown jihadist attacks in the United States resulted in fatalities. These were carried out by individuals who are not known to have received any terrorist training abroad.[6] (These figures represent only

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[6] Jenkins, *When Jihadis Come Marching Home.*

the publicly identified would-be jihadists; they do not include the total number of those who reportedly traveled to Syria or Iraq.)

Returning American fighters add a layer of threat, but—given their still-modest numbers—it is a threat that I believe is manageable within existing laws and resources. More-effective leveraging of local police can provide needed reinforcements.[7] As our focus here is on the Visa Waiver Program (VWP), returning Americans are a separate problem. Nevertheless, dealing with that problem should be viewed as part of an overall strategy.

There Are Several U.S. Lines of Defense

There are several potential lines of defense, each of which offers opportunities to identify and intercept foreign fighters before they are able to carry out acts of terrorism in the United States.

1. The first line of defense consists of all international efforts to reduce the number of volunteers going to jihadist fronts. While such efforts depend nearly entirely on foreign actions, the United States can nonetheless encourage and support them.

2. The United States could push for broader international efforts to intercept returning fighters, primarily efforts by Turkey and the European Union—especially front-line countries, such as Bulgaria and Greece, whose land borders returning fighters may try to cross. However, foreign fighters may deliberately take roundabout routes to evade detection. Right now, Turkey, as the entry and exit point for virtually all foreign fighters, is key to stemming the flow.

3. Intelligence sources may identify groups engaged in planning terrorist attacks against the West and disrupt their activities or specific plots while the would-be attackers are still abroad. The U.S. bombing of suspected Khorasan cells in Syria is an example of such an effort.

4. The Terrorist Identities Datamart Environment (TIDE), No Fly List, and other databases derived from intelligence sources are currently the primary mechanism for identifying returning foreign fighters. The question is how much they could be improved by better sharing arrangements with foreign partners in VWP countries.

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[7] Brian Michael Jenkins, Andrew Liepman, and Henry H.Willis, *Identifying Enemies Among Us: Evolving Terrorist Threats and the Continuing Challenges of Domestic Intelligence Collection and Information Sharing*, Santa Monica, Calif.: RAND Corporation, 2014. See also Business Executives for National Security, *Domestic Security: Confronting a Changing Threat to Ensure Public Safety and Civil Liberties,* Washington, D.C., 2015.

Intelligence-sharing arrangements are complicated and beyond the scope of my testimony. An agreement is in place that allows EU countries to share Passenger Name Record (PNR) information with the United States. In the wake of the recent terrorist attacks in Paris, EU interior ministers have proposed a Europe-wide plan that would require passengers to provide additional information, which would remain available to terrorism-related investigations for up to five years. The collection and sharing of additional data would provide additional confidence that authorities in the EU and the United States will be able to accurately identify returning fighters. There is, however, strong opposition from civil libertarians. Meanwhile, 14 EU countries are setting their own PNR protocols.

America's VWP partners clearly share our interests and will look for ways to enhance their own security at the same time. In the wake of recent terrorist attacks, European countries have taken steps to reduce radicalization, improve intelligence, increase criminal penalties, impose administrative measures to prevent travel, and enhance information collection and sharing.

5. The Electronic System for Travel Authorization (ESTA) is now in place and has recently been enhanced. It offers the rough equivalent of a visa application, and information obtained through ESTA is checked against the terrorism databases, which are managed by the National Counterterrorism Center (NCTC). Matches have been found, preventing potential terrorists from entering the United States. How could ESTA be further enhanced?

6. Pre-boarding passenger screening offers a number of possibilities. Computer-Assisted Passenger Pre-Screening (CAPPS) was a program implemented on the recommendation of the White House Commission on Aviation Safety and Security in 1997. Using PNR information, CAPPS reportedly identified nine of the 19 hijackers on 9/11, although by that time the system had been effectively disconnected from the security checkpoint. CAPPS II, an improved version, was abandoned as unworkable. It was replaced by Secure Flight, which relies primarily on matching names with current watch lists.

   Israel has historically relied heavily on pre-boarding interviews to screen passengers. The approach, however, is labor-intensive and is more difficult to apply to passenger loads more diverse than those flying on El Al, although in 2001, ICTS, a private security company contracted to interview passengers on U.S.-bound flights using the Israeli approach, correctly identified Richard Reid, the Shoe Bomber, as a person warranting further questioning.

The Transportation Security Administration (TSA) has spent nearly a billion dollars to train and deploy behavioral-detection officers in an effort to identify high-risk passengers, but the approach remains controversial. Many regard behavioral detection as bogus science, although it may have value as a deterrent. The criticism that behavioral techniques have not led to the apprehension of any terrorists is misleading. In fact, none of the security measures in effect at U.S. airports have led to the apprehension of any terrorists here, and insofar as I can recall, only one terrorist was actually intercepted at a checkpoint abroad. A number of new technologies based on detecting subtle physiological responses to questions or images are in development. We still have no "x-ray" for a person's soul.

Screening programs like TSA's Automated Targeting System (ATS) aim at flagging those who may pose a higher risk. An alternate strategy is to identify populations of passengers unlikely to pose any risk, thereby allowing security officials to more efficiently focus their efforts. An example is TSA's Pre-Check program for trusted frequent fliers. It may be possible for U.S. officials to develop algorithms aimed at identifying travelers entering the United States under the VWP who similarly are likely to pose little risk. The NCTC now works with the State Department and Customs and Border Protection (CBP) to establish screening rules that narrow the screeners' field of view so that they can concentrate on those they should be most worried about.

7. Pre-clearance procedures are being extended to a number of foreign airports. These allow passengers to complete immigration and customs formalities before boarding, but they also provide opportunities for interviews and behavioral observation.

8. Arrival screening and secondary interviews by U.S. Immigration and Customs Enforcement (ICE) and CBP offer the final line of defense before entry into the United States. It has already been recommended by a number of intelligence practitioners and experts that both agencies expand and enhance their intelligence capabilities.[8]

If all else fails, domestic intelligence efforts, which have already detected terrorist plots by foreigners coming here intending to carry out attacks, may thwart future terrorist plots. Arriving terrorists would still have to acquire weapons or explosives, which would increase their risks of exposure.

I, personally, have not done any research to determine precisely how each of these lines of defense might be improved. No doubt, some of the elements mentioned are already being examined by those in government, but from the perspective of congressional oversight, it is worth

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[8] Jenkins, Liepman, and Willis, *Identifying the Enemies Among Us*; and Business Executives for National Security, *Domestic Security: Confronting a Changing Threat to Ensure Public Safety and civil Liberties*.

asking whether such examinations are in fact occurring. The challenge will be to integrate them into a national and international strategy aimed at intercepting foreign fighters before they enter the United States and before they return to VWP as well as non-VWP countries

The VWP offers considerable commercial, diplomatic, and cultural benefits. Abandoning the program could overstretch consular office resources and would not necessarily offer improved security. In fiscal year 2012, nearly 19 million people entered the United States under the VWP; in FY 2013, approximately 11 million residents of non-VWP countries applied to enter the United States on non-immigrant visas, of which 9 million were approved and 2 million were refused entry.[9] The application and review process requires extensive documentation by the applicant and extensive investigation by U.S. authorities, including an in-person interview with a consular official. Abandoning the VWP would more than double the current workload. The VWP is not perfect, but neither are non-VWP procedures. The objective should be a level of security higher than the level we had before the VWP was initiated.

The conflicts in Syria and Iraq will continue for the foreseeable future. We will be dealing with their effluent for many years. It is therefore incumbent upon us to develop effective means for preventing the spillover of terrorist violence.

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[9] U.S. State Department, "Worldwide NIV [Non-Immigrant Visa] Workload by Visa Category FY 2013," 2013 (http://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/NIVWorkload/FY2013NIVWorkloadbyVisaCategory.pdf). See also Alison Siskin, *Visa Waiver Program,* Washington, D.C.: Congressional Research Service, February 12, 2014.