

## **IF YOU CAN'T FIND A TERRORIST, MAKE ONE!**

### *Encouraging Jihadist wannabees is the wrong approach*

*By Julius (Jay) Wachtel.* One would think that the least likely person to downplay a terrorist threat would be an FBI executive. But that is exactly what Assistant FBI Director John Pistole did last year when he said that a plot to blow up Chicago's Sears Tower offices was "more aspirational than operational." Be that as it may, seven members of a bizarre Miami religious sect are finally getting their day in court, charged with conspiring to wage holy war against the U.S. The terrifying scheme did not come to light from an independent investigation but through a tip from a man whom the FBI later enlisted as an informer. For getting the motley crew to talk up a storm, drive around in a car (rented by the FBI) and take pictures (with a camera supplied by the FBI), thus fulfilling the "overt act" requirements for a conspiracy, he and another paid source reportedly walked away with more than \$100,000.

Does that sound familiar? Perhaps you're thinking of this May's arrest of six Muslims from New Jersey and Philadelphia for allegedly conspiring to assault -- yes, Fort Dix! Again, the driving force was an FBI informer who spent months prodding the group to do something, anything besides talk about Jihad. When the dupes finally agreed to his offer to supply free machineguns (rocket-propelled grenades scared them) the FBI must have breathed a sigh of relief. Conspiracy to acquire illegal weapons -- finally, a violation! Lock 'em up!

And let's not forget that sting in Lodi where the FBI paid an informer more than a quarter million dollars to do everything short of driving a hapless young Muslim man to a terrorist training camp.

One must wonder...are these guys all there is?

Before international terrorism was the number one concern there was the domestic kind. During the days of the Montana Freeman and Timothy McVeigh, an undercover agent with enough weapons could have traveled the Coast-to-Coast right-wing circuit, stopping for coffee-and-ammo breaks at gun shows along the way, and made enough "conspiracy to acquire machinegun" cases to justify the salaries of every ATF agent for the next fifty years. Twenty-plus years of Federal law enforcement taught me that this great land of ours has enough disaffected bozos, and groups of bozos, to fill every prison many times over. All one needs do is get them worked up over the gripe du jour (taxes, immigration, gun control, white angst, or what-have-you), give them an opportunity and, snap! Another notch for the monthly statistical report.

We could do just that. If we're careful to cross the t's and dot the i's, we might even get convictions. But as I like to ask my criminal justice students: Is this what we ought to be doing?

Considering how many angry, armed men there are (and a few women, I suppose) it seems a miracle that our country isn't a smoldering wreck. Fortunately, that very same aspect of human nature that occasionally kills us even more frequently saves the day. It's easy to blow one's stack, but committing mass murder is something else again. Incidents like the Oklahoma City bombing and the Virginia Tech massacre don't take place very often, and not because of law enforcement. These horrifying events are rare because those so inclined get distracted. Some get sane. Others lose courage, fall in love, fall out of hate, wind up in a mental hospital, get run over by a truck, take up jogging. Even the simplest barriers -- a gun purchase records check -- can be enough to discourage or frighten into sanity all but the extraordinarily committed. And for those there is always SWAT.

But wait a minute -- normal people don't talk about waging terrorism, not even when prodded. Can we afford to ignore anyone who might even remotely pose a threat? A better question is: given the menace, can we afford to expend valuable resources on risks so tenuous that one must push targets over the line? There are likely hundreds of serious home-grown plots brewing every day. We don't know about them because most terrorists are presumably smart enough to avoid being talked into accepting boots from strangers (like the Sears Tower Six) or having Circuit City transfer terrorist training videos to DVD (like the Fort Dix Six.)

What should be done? First, use common sense. Even if we can ultimately secure convictions, encouraging crime gobbles up scarce resources, distracting us from the real task at hand and creating a dangerous illusion of effectiveness.

Second, apply existing sanctions. Three of the Fort Dix Six are reportedly illegal aliens. Unless there are truly compelling reasons to do otherwise, I suggest that when the FBI runs across deportable persons with favorable attitudes about terrorism they kick them out of the country.

Finally, look for system-wide solutions. Unlike other advanced nations, the U.S. insists on commingling criminal investigation and counter-terrorism, forcing the FBI to wear two hats. Rewards usually flow from producing measurable outcomes such as arrests and convictions. But serious intelligence work cannot be evaluated with numbers; indeed, such pressures can easily distort what actually takes place. We desperately need a separate intelligence agency that offers a distinct career track for counter-terrorism professionals. Unfortunately, the FBI, backed by its many friends in Congress, steadfastly refuses to yield any jurisdiction, offering feeble justifications for

what is fundamentally a reluctance to lose a chunk of its empire. That too needs to change.