S. HRG. 111–557

CURRENT AND PROJECTED NATIONAL SECURITY THREATS TO THE UNITED STATES

HEARING

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE

OF THE

UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

FEBRUARY 2, 2010

Printed for the use of the Select Committee on Intelligence

Available via the World Wide Web: http://www.access.gpo.gov/congress/senate

U.S. GOVERNMENT PRINTING OFFICE

56–434 PDF WASHINGTON : 2010

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
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TUESDAY, FEBRUARY 2, 2010

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC.

The Committee met, pursuant to notice, at 2:33 p.m., in Room SH–216, Hart Senate Office Building, the Honorable Dianne Feinstein (Chairman of the Committee) presiding.

Committee Members Present: Senators Feinstein, Rockefeller, Wyden, Mikulski, Feingold, Whitehouse, Bond, Hatch, Snowe and Risch.

OPENING STATEMENT OF HON. DIANNE FEINSTEIN, CHAIRMAN, A U.S. SENATOR FROM CALIFORNIA

Chairman FEINSTEIN. The hearing will come to order. The committee meets today in open session to receive the coordinated analytic assessment of the intelligence community of the threats facing the United States.

We welcome our witnesses, Admiral Dennis Blair, the Director of National Intelligence, who will provide a summary of the written statement he has submitted on behalf of the intelligence community; the Director of the Central Intelligence Agency, Leon Panetta; the Director of the Federal Bureau of Investigation, Bob Mueller; the Director of the Defense Intelligence Agency, Lieutenant General Ron Burgess; and the Acting Assistant Secretary of State for Intelligence and Research, Ambassador John Dinger.

This hearing presents an annual opportunity to focus on the threats our nation faces, and it provides a rare forum for the public to receive strategic intelligence analysis. I think that right now the top threat on everyone's mind is the heightened terrorism threat, especially against our own homeland. The committee has held hearings in the past two weeks to review the Christmas Day attempted attack by Umar Farouk Abdulmutallab and the Fort Hood shootings by United States Army Major Nidal Hassan. We have also reviewed the attack on CIA's Khowst base in eastern Afghanistan on December 30th, the most deadly attack against CIA personnel in decades.

These three events are reminders of the ongoing threat the nation faces from within and without and the challenges and dangers with which the intelligence community must deal on a daily basis. We've been briefed on the continuing terrorist threat, and I want to thank Director Mueller for our discussion yesterday. I received a lengthy follow-up briefing on the status of ongoing terrorism in-

vestigations and intelligence we've received as part of those investigations.

I know this is a very sensitive matter and will ask if members who have questions relating to counterterrorism operations will hold them until we can go to a classified session at the end. The written testimony submitted to us today provides an important reminder stating that—and I quote—"the recent successful and attempted attacks represent an evolving threat in which it is even more difficult to identify and track small numbers of terrorists, recently recruited and trained, and short-term plots than to find and follow terrorist cells engaged in plots that have been going on for years."

Our committee stands ready and willing to provide the tools, gentlemen, you need to make sure our counterterrorism efforts are the very best they can be. Despite the Christmas Day and Fort Hood intelligence shortcomings, the intelligence community has thwarted numerous terrorist plots and apprehended several suspects in 2009. And I'd like to tick a few off: al-Qa'ida operative Najibullah Zazi, living outside Denver, was identified through good intelligence work as having trained in Pakistan and conspiring with others to detonate a bomb in the United States. Two of Zazi's associates were arraigned in January, and his father also has been charged.

Secondly, Chicago-based David Headley was identified for his involvement in the Lashkar-e-Taiba attacks on Mumbai in 2008 and for his connection to a plot to bomb a Danish newspaper. Three, 14 people were charged in Minnesota this year for recruiting Somali-American youth to travel to Somalia, train and fight alongside terrorist groups. In October, Tarek Mehanna was arrested in Boston and charged with plotting to attack shopping malls and seeking out terrorist training.

In September, Hosam Maher Husein Smadi was arrested for plotting to bomb a Dallas skyscraper. And earlier in the year, Daniel Boyd was identified as having traveled to terrorist training camps and plotting an attack on U.S. military personnel at the Quantico Marine Base. He was charged, along with six others, on charges that include conspiring to provide material support to terrorists. So clearly, there have been both counterterrorism successes and a few failures. Also clear is that the threat to the homeland is high and that terrorist groups have identified ways of getting operators and facilitators into the country without raising suspicion.

Let me shift from terrorism to the topic that DNI Blair highlights in his written testimony, the threat to our government, public and private sector from cyber espionage, crime and attack. Director, your description of the problem is very blunt, and I believe it to be accurate. The need to develop an overall cyber security strategy is very clear. This committee has carefully examined cyber security through five hearings in the past year, carefully reviewed various cyber attacks and penetrations from foreign actors and appointed a cyber task force of three members—Senators Whitehouse, Mikulski and Snowe—to conduct a six-month analysis of our government's current plans. The task force will be reporting to the full committee shortly.

It is my belief—and I think the belief of others—that certain nations represent serious cyber attack potential to our country. And I believe that robust diplomatic efforts should be made, with the goal of effecting international agreements among key actors regarding cyber security. The time has come to look at the value of a cyber treaty with built-in mutual assurances of behavior. It is noteworthy and commendable that the State Department has, for the first time, demarched another country for its cyber activity.

It is also worth noting that this country has stated its willingness to cooperate internationally on these matters. There are far more developments around the world that threaten the national security interests of the United States. The past year saw a Taliban surge in Afghanistan that led to the President's decision to shift strategy and increase troop levels. Pakistan continues to be an uneven partner in our counterterrorism and counterinsurgency efforts. Somalia and Yemen are failed and failing states that require enormous attention.

These and many other threats are outlined in the DNI's testimony. So now, let me turn to the Vice Chairman, with whom I have had the pleasure of working this year. And I thank him very much for his cooperation on all matters. Mr. Vice Chairman.

OPENING STATEMENT OF HON. CHRISTOPHER S. BOND, VICE CHAIRMAN, A U.S. SENATOR FROM MISSOURI

Vice Chairman BOND. Madam Chair, let me welcome our witnesses and thank you for the very open and generous way that you and your staff have worked with the minority. We believe that this is the way we can achieve what we're supposed to achieve—bipartisan, nonpartisan oversight of the critically important intelligence community.

This hearing today comes at a time where the importance of the national security threats are currently highlighted by recent events.

From the terror plots disrupted this fall by the FBI to the deadly attacks at Fort Hood and the Little Rock recruiting station to the failed attack on Christmas Day, we have seen an alarming number of terrorist threats, in particular within and against the homeland, and they're being carried out.

As members and witnesses are aware, this will be my last annual worldwide threat hearing, as I intend to depart from the Senate upon the completion of the 111th Congress. No applause please. Ironically, I believe we find ourselves, today, in the same place we were in when I first joined the committee years ago—analyzing deficiencies within the intelligence community to make recommendations for changes that will help us better prevent plots and connect the dots.

So as we embark on our final year together, I offer these thoughts for the path forward over the next year and into the future. First, our priority as congressional oversight committee members and your constant challenge as the leaders of the IC is to focus on threats to the homeland and to our interests overseas. Al-Qa'ida, its affiliates and other terrorist organizations today have a global reach. In Pakistan, Afghanistan, Algeria, Yemen, the Horn

of Africa and elsewhere, terrorist operators train and prepare for attacks against us and our allies.

Our focus must be on these entities wherever they operate. This is a global conflict, and yes, it is a war—a war of terror these radicals have declared on America and the West. The intelligence community must lean forward in this war, and we on congressional oversight committees must back you up. When we ask you, behind closed doors, to be aggressive, and we do that quite freely, it is our responsibility to stand behind you when the doors are open and to support your actions when they are under the spotlight. And I pledge we will try to continue to do so.

At the same time, our committee will hold the IC accountable, and the IC must hold itself accountable, because the threats we are dealing with are far too dangerous to tolerate any kind of sloppy work or careless mistakes. As the saying goes, the terrorists only have to get it right once to be successful; you and we have to get it right all of the time. We must use all avenues available for obtaining the crucial information we need to protect our people, and that includes a full and humane interrogation of captured suspects prior to or without Miranda rights. And I emphasize enemy combatants must be questioned to the fullest by the intelligence community before—if they are Mirandized, before they are Mirandized and given an attorney.

Treating terrorists like common criminals can cost us lifesaving intelligence. While I have no doubt that the FBI obtained useful information from the Christmas bomber, we just don't know how many timely leads have been lost as a result of his refusal to cooperate after he was Mirandized. This approach gave his terrorist colleagues time to cover their tracks while Americans remained at risk. Any FBI interrogator or other interrogator will tell you that 50 minutes is not long enough to build rapport and get all needed intelligence.

And any interrogator will tell you that you study up on your subject and read everything in the file first before you're ready to go in for a full and productive interrogation. That takes time and that time must be devoted to the preparation prior to effective questioning. We must plan ahead for how we can bring intelligence to bear in interrogation, whether at home or abroad. Timely action demands timely intelligence, and we must ensure that all intelligence tools are used when we find ourselves in a similar circumstance again.

I am frankly appalled—I am appalled—that one year after the President ended the previous administration's interrogation program, that there was nothing in place, nothing in place to handle the sort of situation presented by the Christmas Day bomber. I submit to our witnesses today that we cannot afford to make that same mistake again. I presume that the high-value interrogation group that is still coming online will solve a number of these problems. And rest assured that this committee will be following this closely to ensure that it does.

Similarly, we cannot let campaign promises blindly guide decisions, no matter what the consequences to our society. The ideal of closing the Guantanamo Bay detention facility cannot become more important than protecting our American citizens from the terrorists

imprisoned there. And we cannot put Americans at risk by letting detainee after detainee rejoin the fight. That was a mistake made in a prior administration. That mistake must not continue to be repeated today.

The top two al-Qa'ida operatives in Yemen today, just as one example, are both Gitmo graduates that have returned to the fight, despite the fact they were supposedly in a rehab program. We also must not let our desire to showcase American justice outweigh the requirement to protect our citizens. Terror show trials in New York or anywhere else are clearly not the most expedient way to try the 9/11 suspects. It has taken a while for some to wake up to this reality, but I believe Mayor Bloomberg's evolution on this topic and his comments from this past week are telling.

Some in the administration have said they want to try them, now, in a rural area. Well, I'm from a rural area, and speaking from a rural state, I can tell you that we want nothing to do with those trials in our state. Aside from the security concerns and costs, domestic terror trials have exposed sensitive classified information in the past and have given intelligence to al-Qa'ida. The examples are well known; I need not recount them there.

Former judge, former Attorney General Mike Mukasey has spoken eloquently about that. There are some who've tried to contradict him, but they have proven no contradiction. It is an unacceptable risk, essentially, since this Congress has passed and the court has upheld the military commission process, which ensures that even a foreign terrorist/enemy combatant can get a fair trial.

Now, turning to Afghanistan, we must win there; we cannot afford to fail. The addition of 30,000 troops to implement General McChrystal's counterinsurgency strategy was a positive step. Employing smart power as a whole-of-government approach is the best way to eliminate al-Qa'ida and the Taliban insurgency in Pakistan. But the intelligence community must rally around General McChrystal's COIN strategy and continue to shift from a CT-only focus to both a CT—or counterterrorist—and counterinsurgency approach.

There are other threats that are serious, and terrorism and the wars in Afghanistan and Iraq are by no means the only threats facing our community. For more than a decade, the intelligence community has debated Iran's nuclear intent and all the while Iran has progressed closer and closer to a nuclear weapons capability. Today, Iran seems to be capable of producing highly enriched uranium. And that, gentlemen, is the long pole in the tent of a nuclear weapons program.

And we are left waiting for a nation that provides support, training and weapons to our enemies in Iraq and Afghanistan, along with their allies like Hezbollah, Hamas and the Palestinian Islamic Jihad, to come to the bargaining table. While Iran's intent may change over time and I'm hopeful that the people of Iran will be successful in pressuring their government for change, I, for one, do not believe it is in any nation's interest—United States or other nations in the world—for Iran to possess a nuclear weapons capability. I trust that our witnesses will address the threat from Iran and other nation states today.

Turning now to how we spend the money in the IC to combat the threats we face, I believe we must be good stewards of taxpayer resources. Unless we start moving in the right direction with our big-dollar overhead purchases, we'll continue to waste billions of dollars on one-trick ponies, some of which never, ever come to fruition. Those of you in the community know the examples of large and ultimately unsustainable programs that have followed this path.

Now, the NRO Director told Madam Chair and me last week that he agreed with our committee's approach to a cheaper, more versatile acquisition that this committee has recommended for years, and he was moving forward to execute the program. That means we were very surprised, yesterday, in the President's budget that this option is not even funded. I believe that's a mistake our committee will be closely following and hope we will be able to correct that through the legislative process.

Finally, Director Blair, I was encouraged, as was the Chair, to see that in your written opening statement, you spent the first two and a half pages discussing cyber threats. Recent cyber attacks against Google underscore the importance of sound cyber policies and initiatives. And we know that the intelligence community recognizes this threat as real and of highest importance and goes well beyond what we are discussing publicly.

Yet, to my chagrin, the administration's solution has been to create another position, I am afraid, as a figurehead—a cyber czar—with less than a half-dozen staff. In a few years, I believe we could lament the fact that more was not done now to confront this challenge when we had the chance. As Senator Feinstein, the Chair said, Senators Whitehouse, Snowe and Mikulski comprise a cyber working group on our committee and should have much to say on this cyber topic. I believe all on the committee agree that it's very real, very serious and the administration needs to treat it as such.

In conclusion, the greatest danger comes from the unknown—the threat not yet on the radar. Further threats are unlikely to be repeat performances, so we must create new methods and tradecraft to recognize terror threats we haven't seen before.

Unfortunately, the process of intelligence community reform, legislatively, is not complete. Congress gave the DNI a load of responsibility without the requisite authority. The squabble between the DNI and the CIA Director, which unfortunately surfaced earlier this year, over who will serve as the DNI representatives over this past year, is just another disappointing example to me that we don't have the right balance and clear rules of the road for the IC. We must get the balance right if you are expected, Mr. Director, to meet the challenges ahead.

Congress still has work to do in reforming itself in this regard. I pushed a proposal for 7 years—one that 14 members of this committee signed on to a few years ago—that would provide better coordination between the authorization and appropriations process for intelligence in the Senate by creating an intelligence subcommittee on the Appropriations Committee. The 9/11 Commission and others have said we have to bring the authorization and appropriations together. Unfortunately, there are some who still strongly oppose making these necessary changes within the Congress to serve our intelligence community better. I would hope to see

progress on that. I'm not holding my breath, but it still needs to be done.

Additionally, I would mention that the Project on National Security Reform, led by Jim Locher, has made excellent and prescient recommendations concerning long-needed national security reform within the U.S. government. Leaders in the current administration, like National Security Advisor Jim Jones, Deputy Secretary of State James Steinberg, Ambassador to the United Nations Susan Rice, among others, all sat on the guiding coalition of that project before assuming positions in this administration. And yet, the administration subsequently moved to strip all funding for the project and has not shown any interest, yet, in making the necessary changes the project rightly recommended. I hope they're listening today, because we need some leadership to make sure that we are better equipped to face the challenges of tomorrow.

As we remember the sacrifices made by the men and women fighting these threats on the front lines every day, including those who so tragically paid the ultimate price recently in Khowst, our primary concern must be to prevent attacks on the United States and to ensure the safety of the American people, as well as our friends and interests abroad. Today's hearing will give us a good idea how we can measure up. And I thank you, Madam Chair, and look forward to hearing the testimony of our witnesses.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman.

Here's how we will proceed, gentlemen: Director Blair, if you will begin, representing the entire intelligence community, we will then go to Mr. Panetta, Mr. Mueller, General Burgess and Mr. Dinger for five minutes or so each. And then each one of us will proceed with questions. So Director Blair, we'd be delighted to hear from you.

STATEMENT OF ADMIRAL DENNIS BLAIR, USN (RET.), DIRECTOR OF NATIONAL INTELLIGENCE

Director BLAIR. I thank you, Madam Chairman, Vice Chairman Bond, members of the committee. In providing you with this intelligence community annual threat assessment, I'm proud to represent the thousands of patriotic, highly skilled, brave professionals of the world's finest intelligence team, and we're especially conscious of this as we mourn the recent loss of seven of our officers and care for a dozen others who've been wounded in recent months.

All intelligence agencies participated in preparing my statement for the record, and I'm pleased to be accompanied by my colleagues here this afternoon.

Every day, as we know, information technology brings gadgets and services that make our lives better and more efficient. However, malicious cyber activity is growing at an unprecedented rate, assuming extraordinary scale and sophistication. In the dynamic of cyberspace, the technology balance right now favors malicious actors rather than legal actors, and it's likely to continue that way for quite some time. In addition, the growing role of international companies supplying software and hardware for private networks—even for sensitive U.S. government networks—increases the potential for subversion and mischief.

The recent intrusions reported by Google are yet another wake-up call to those who have not taken this problem seriously. Cyber crime is on the rise. Global cyber bank and credit card fraud has serious implications for economic and financial systems. Attacks against networks controlling critical infrastructure, transportation, financial networks, and energy could create havoc. Just the facts of the matter are that cyber defenders have to spend more, have to work harder than cyber attackers, and American efforts are not strong enough in this regard right now. The United States government and the private sector, who are interlinked inextricably in this space, have to ensure that adequate cyber defenses are in place.

Let me turn to the global economy, where the trends are more positive. It was a year ago that I sat here and warned of the dangers of a global depression. But an unprecedented policy response by governments and central banks around the world laid a foundation for global recovery that most forecasters expect will continue through 2010, although high unemployment and pockets of difficulty will still persist. Not all countries have emerged from the slump, and several of them are important to the United States.

Pakistan and the Ukraine are still struggling to put their economic houses in order. Our allies are trying to insulate spending on Afghanistan, where many of them are helping us, from budget cuts.

China is emerging with enhanced clout. Its economy will grow from being a third of the size of that of the U.S. to roughly half by 2015, an earlier date than we had previously projected. This is assuming it maintains the rapid growth, which it appears to have the ingredients to do.

Last year, Beijing contributed to the G–20's pledge to increase IMF resources. It deployed naval forces to international anti-piracy operations in the Gulf of Aden. It supported a new U.N. Security Council sanction resolution against North Korea. However, Beijing still believes that the United States seeks to contain it, seeks to transform it, and it reinforces Chinese concerns about internal stability and about perceived challenges to their sovereignty claims.

China continues to increase its defense spending. Preparation for a Taiwan conflict involving a U.S. intervention continues to dominate their modernization and contingency plans. And China also increasingly worries about how to protect its global interests.

Turning to violent extremism, as you mentioned, Madam Chairman, we've been warning in the past several years about al-Qa'ida itself, al-Qa'ida-associated groups and al-Qa'ida-inspired terrorists striking the United States. And we've seen the reality of all three of those characteristics of al-Qa'ida in the examples that you cited in your opening statement—Najibullah Zazi, Umar Farouk Abdulmutallab and Major Nidal Hasan.

But the violent extremist threat, al-Qa'ida at center, is evolving. We have made the complex, multiple-team attacks very difficult for al-Qa'ida to pull off. As we saw with the recent successful and attempted terrorist attacks however, identifying individual terrorists, small groups with short histories using simple attack methods, is a new degree of difficulty. We did not identify Mr. Abdulmutallab

before he boarded Northwest Flight 253 on Christmas Day. We should have and we are working to improve so that we can.

On a positive note, however, only a decreasing minority of Muslims support violent extremism, according to numerous polls within the Muslim community. But even with a decreasing and smaller amount, al-Qa'ida's radical ideology still seems to appeal strongly to some disaffected young Muslims, a pool of potential suicide bombers and other fighters. And this pool unfortunately includes Americans. Although we don't have the high-level, home-grown threat that faces European countries right now, we have to worry about the appeal that figures like Anwar al-Aulaqi exert on young American Muslims.

However much we improve our intelligence—and we intend to improve it even more than it is, however—we cannot count on it to catch every threat. So intensified counterterrorism efforts in the Afghan- Pakistan theater as well as around the world in places like Yemen, Somalia and elsewhere will be critical to further diminishing the threat.

We have to continue to work with allies and partners in this campaign, enhance law enforcement, security measures, immigration and visa controls, aviation and border security; all of these are important for a multi-layered, dynamic defense that can disrupt terrorist plans.

Let me turn to the outlook in Afghanistan and Pakistan. Since January of 2007, the Taliban has increased its influence and expanded the insurgency while holding onto its Pashtun belt thresholds. The challenges that we face are clear.

Number one: reversing the Taliban's momentum while we reinforce security elsewhere. Second: improving Afghan security forces, governance and economic capability so that security gains will endure and that responsibility can be transferred to the Afghanis themselves.

Early successes in places like Helmand, where Marines have been deployed for several months, where aggressive counter-drug and economic programs are in place, and where local governance is competent, show that we can make solid progress even when the threat is high.

The safe haven that Afghanistan insurgents have in Pakistan is the group's most important outside support. Disrupting that safe haven won't be sufficient by itself to defeat the insurgency but disrupting insurgent presence in Afghanistan is a necessary condition for making substantial progress.

The increase in terrorist attacks in that country has made the Pakistani public more concerned about the threat from Islamic extremists, including al-Qa'ida. Pakistanis continue to support military action against insurgents. Islamabad has demonstrated determination and persistence in combating militants that it perceives are dangerous to Pakistan's interests. But it also has continued to provide some support to other Pakistan-based groups that operate in Afghanistan.

U.S. and coalition success against the insurgency in Afghanistan could provide new, long-term incentives for Pakistan to take steps against Afghan-focused militants. Increased Pakistani cooperation is more likely if Pakistan is persuaded that the United States is

committed to stabilizing Afghanistan and will ultimately have success.

Finally, turning to Iran, the available intelligence continues to indicate that Tehran is keeping open the option to develop nuclear weapons. This is being done in part by developing various nuclear capabilities that bring it closer to the ability to produce weapons.

One of the key capabilities Iran continues to develop is its uranium enrichment program. Published information from the International Atomic Energy Agency, the IAEA, indicates that Iran has significantly expanded the number of centrifuges installed in its facility in Natanz. But it has had problems operating its centrifuges, which constrain its production of low-enriched uranium.

The United States and other countries announced last September that Iran for years has been building in secret a second enrichment facility near Qom. Overall, we continue to assess that Iran has the scientific, the technical and the industrial capacity to produce enough highly-enriched uranium for a weapon in the next few years, if it chooses to do so, and ultimately, to produce nuclear weapons. The central issue is a political decision to do so. Iran also continues to improve its ballistic missile force, which enhances its power projection and provides Tehran a means of delivering a possible nuclear payload.

We do not know if Iran will eventually decide to build nuclear weapons. And we continue to judge that Iran takes a cost-benefit approach in its nuclear decisionmaking. We judge that this offers the international community opportunities to influence Tehran's decisionmaking.

The Iranian regime meanwhile has found itself in a weaker internal position—internal political situation—following last June's disputed Presidential election and the crackdown on protestors. Reacting to stronger-than-expected opposition and the regime's narrowing base of support, supreme leader Khamenei, President Ahmadinejad and their hard-line allies appear determined to retain the upper hand by force. They are moving Iran in a more authoritarian direction to consolidate their power. However, they have not been successful so far in suppressing the opposition.

Madam Chairman, this is the top layer of threats and opportunities. Other areas demand our continued attention and focus. They include security in Iraq, on the Korean Peninsula, weapons of mass destruction-proliferation, and challenges right here in the Western hemisphere, especially working with Mexico in its efforts against the drug cartels. But I'm also prepared with my colleagues to discuss important transnational issues like global health.

Really, it's the very complexity of the issues and multiplicity of actors—state, nonstate—that increasingly constitute one of our biggest challenges. The intelligence community is meeting these challenges every day both to policymakers and to units in the field, both civil and military.

In my year on the job, I've been enormously impressed by the abilities, dedication and the results of the 100,000 military and civilian intelligence professionals I have the honor to lead.

Thank you, Madam Chairman. We'll be glad to answer questions after my colleagues have a chance to make statements.

Chairman FEINSTEIN. Thank you very much, Director Blair. Mr. Panetta.

STATEMENT OF THE HONORABLE LEON PANETTA, DIRECTOR, CENTRAL INTELLIGENCE AGENCY

Director PANETTA. Thank you, Madam Chairwoman, Mr. Vice Chairman and members of the committee. Thank you for this opportunity to be able to share our thoughts with regards to the threats, both current and future, that face this country.

I think the Director has presented a summary of some of the key threats that we confront. Of those, I would share with you that my greatest concern and what keeps me awake at night is that al-Qa'ida and its terrorist allies and affiliates could very well attack the United States in our homeland. That's the primary reason the President provided the mission that we follow, which is the mission to disrupt, dismantle and defeat al-Qa'ida and its allies.

Having said that, the biggest threat I see is not so much that we face another attack similar to 9/11. I think the greater threat is that al- Qa'ida is adapting their methods in ways that oftentimes make it difficult to detect. We have done a very effective job at disrupting their operations in the FATA. And I think intelligence confirms that they are finding it difficult to be able to engage in the planning and the command-and-control operations to put together a large attack.

What's happening instead is that they are moving to other safe havens and to other regional nodes in places like Yemen and Somalia, the Maghreb and others. And what's happening is that they are pursuing an effort to try to strike at the United States in three ways.

One is that they deploy—they have deployed—individuals to this country. We've had a series of arrests. I think the Nazi arrest, the Headley arrest, are indicative of those that have been deployed here and continue to stay in touch with al-Qa'ida. Secondly, it's the concern about the terrorist who has "clean credentials," that doesn't have a history of terrorism that has come to our attention. Abdulmutallab obviously was someone that was out there. He had a visa and, as a result, they decided to make use of somebody like that within a very short period of time that he arrived. I think they're going to be looking for other opportunities like that. And thirdly, there is the loner—the individual like Hasan who, out of self-radicalization, decides that the moment has come to engage in an attack by himself.

So it's the lone-wolf strategy that I think we have to pay attention to as a threat to this country. We are being aggressive at going after this threat. We've expanded our human intelligence. We are engaging with our liaison partners in other countries to try to track these kinds of threats. We obviously are checking and reviewing watch-lists and other lists to determine who among them could be that potential lone wolf. And we are taking the fight to the enemy, and we will continue to do that.

But in addition to the fight against al-Qa'ida, we are also facing threats from other terrorist groups—terrorists like al-Shabaab, Hezbollah, Hamas, other jihadist militant groups. And a particular concern is LeT—Lashkar-e-Taiba—which, if they should conduct an

attack against India, could very well undermine our efforts in Pakistan.

In addition, the Director has mentioned the threat from North Korea and Iran, and while obviously we're concerned about the nuclear side, they also continue to export terrorism—providing weapons, providing support to a whole series of other terrorist groups.

So the bottom line here is that the war on terrorism is not just al-Qa'ida. It is a series of terrorist groups that are basically confronting us. And it is the kind of changes that we see in their method of approaching the United States that I think represents a very important threat that we have to pay attention to.

We are being aggressive, we are taking the fight to the enemy, and at the same time, we have to be agile, we have to be vigilant and we've got to be creative in the way we approach these new threats. The fundamental mission we have is, obviously, to protect this country. It's the mission that the people at Khowst gave their lives for. And it's the mission that the CIA will follow because we believe our greatest mission is to keep this country safe.

Chairman FEINSTEIN. Thank you very much, Mr. Panetta. Mr. Mueller.

STATEMENT OF THE HONORABLE ROBERT S. MUELLER, III, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Director MUELLER. Thank you and good afternoon, Chairman Feinstein, Vice Chairman Bond and members of the committee.

Director Blair and Director Panetta rightly pointed to the global nature of many of the threats we face, from international terrorism in Pakistan, Yemen and elsewhere to cyber attacks to computer crime committed by international criminal enterprises.

And what is striking is how many of these overseas threats reach directly into the United States. Today, events outside the United States often have immediate impact on our security here at home. And as I discuss our mission and the overall threat assessment, I do want to highlight how quickly these threats are evolving and how globalization has often led to the integration of these foreign and domestic threats.

Over the past decade, the focus of strategic terrorism threats has been South Asia, the heartland of al-Qa'ida. But now, as Director Panetta pointed out, al-Qa'ida trainers see the tribal areas of Pakistan as less secure and this had led al-Qa'ida to franchise into regional components in places such as North Africa and the Arabian Peninsula. This evolution has been most rapid with al-Qa'ida in the Arabian Peninsula, which has changed from a regional group with links to al-Qa'ida to a global threat with reach into American cities such as Detroit.

These changes affect the way we at the FBI think about the targets we pursue and what tools we need to pursue them. They also require us to keep changing continuously to meet the evolving threats of tomorrow. The expansion of violent ideology has proven to be persistent and global, as demonstrated by the plots we have seen in the past year—those plots listed by the Chairman in her opening statement. Those cases demonstrate the global diversity of the new terrorism threats.

Some extremists were radicalized over the Internet or in prison. Others received training from known terrorist organizations abroad. They were of different ages and nationalities. A number were U.S.-born. The targets of these attacks range from civilians to government facilities to transportation infrastructure to our military, both in the United States and overseas.

The threat from cyber attacks, as has been pointed out by Director Blair, reflects the same globalization and pace of change. In the past, we focused primarily on state actors seeking national security information from our military or intelligence services or seeking to acquire technology related to defense systems. But as the global economy integrates, many cyber threats now focus on economic or nongovernment targets, as we have seen with the recent cyber attack on Google. Targets in the private sector are at least as vulnerable as traditional targets and the damage can be just as great.

Our focus on the cyber threat does not mean that we have seen a decline in classic intelligence and counterintelligence activities in the United States. The presence of foreign intelligence officers in the United States is not declining and they are increasingly using non-traditional collection methods to gather information. These services continue to pose a significant threat and our counterintelligence mission remains a high priority for the FBI.

Chairman Feinstein and Vice Chairman Bond, let me conclude by thanking you and the committee for your support of the bureau and on behalf of the men and women of the FBI, we look forward to continue to work with you to improve the FBI and to keep America safe. And thank you, and I'd be happy to answer any questions you might have.

Chairman FEINSTEIN. Thank you, Mr. Mueller. General Burgess.

STATEMENT OF LIEUTENANT GENERAL RONALD BURGESS, USA, DIRECTOR, DEFENSE INTELLIGENCE AGENCY

General BURGESS. Madam Chairman, Vice Chairman Bond, members of the committee, thank you for this opportunity to be here today to present the Defense Intelligence Agency assessment of current and projected threats to the security of the United States.

The global strategic environment today remains marked by a broad array of dissimilar threats and challenges. As the United States continues to conduct combat operations in several theaters, the nation also faces the threat of terrorist attacks at home. Simultaneously, we continue to face risk posed by other nations' growing abilities to challenge our qualitative military superiority in other regions. It is a time that significantly challenges the international system and the Department of Defense. Therefore, our armed forces and DIA must remain cognizant of dynamic global forces and trends.

As the 2010 QDR states, the United States faces a complex and uncertain security landscape in which the pace of change continues to accelerate. Al-Qa'ida remains the most significant terrorist threat to the United States. Al-Qa'ida's propaganda, attack planning and support of the Taliban and Haqqani networks continues. The group still pursues chemical, biological, radiological or nuclear materials for attacks. Al-Qa'ida's affiliates continue to extend the

terrorist group reach and brand. Al-Qa'ida in the Arabian Peninsula is growing in size and is broadening its repertoire of attacks. Once focused mainly inside Algeria, al-Qa'ida in the Lands of the Islamic Maghreb is conducting operations in neighboring countries.

Violence levels in Afghanistan increased last year while security declined because of an increasingly capable insurgency, the government's inability to extend security throughout the country and insurgent access to sanctuaries in Pakistan. Originally concentrated in the Pashtun-dominated south and east, the insurgency retains momentum and has spread west and north. Afghanistan's security forces are growing but not keeping pace with the Taliban's ability to exploit the security vacuum.

Pakistan's Federally Administrated Tribal Area continues to provide the insurgency, al-Qa'ida and terrorist groups with valuable sanctuary for training, recruitment, planning and logistics. Successful strikes against al-Qa'ida and other militant leaders in the FATA have disrupted terrorist activities but the groups are resilient. Pakistan's military has demonstrated increased counterinsurgency training and doctrinal adjustments but its priority remains India. We have confidence in Pakistan's ability to safeguard its nuclear weapons, though vulnerabilities exist.

Notwithstanding recent high profile bombings claimed by al-Qa'ida in Iraq, the country is still on a generally secure path. The group remains the most capable Sunni terrorist group, though constrained by a lack of safe havens. It has regained some freedom of movement following U.S. forces' withdrawal from Iraqi cities. Iraq's security forces conduct the majority of security operations independently but still require improvements in logistics, tactical communications and intelligence, surveillance and reconnaissance.

In Iraq, Iran continues to rely heavily upon the Islamic Revolutionary Guards Corps Quds Force, its special operations command, to undermine U.S. efforts by providing weapons, money and training to Iraqi Shia militants for attacks against U.S. personnel.

Turning briefly to nations, region and trends of interest, Iran supports terrorist groups and insurgents in Iraq, Afghanistan, Lebanon, Gaza and elsewhere as a means to expand its own influence, frustrate regional rivals and impede U.S. strategy across the region. It invests heavily in developing ballistic missiles with greater accuracy and new payloads. With more than 8000 installed centrifuges at Natanz, Iran now has enough low-enriched uranium for a nuclear weapon if it further enriched and processed.

China's military modernization continues with the acquisition of growing numbers of very sophisticated aircraft, warships, missiles and personnel required to employ these capabilities. China seeks military superiority along its periphery, with a focus against traditional U.S. military advantages in air and naval power projection and in space.

North Korea remains unlikely to eliminate its nuclear weapon capability for the foreseeable future, believing the weapons serve as a strategic deterrent and leverage while also counterbalancing the logistic shortages, aging equipment and insufficient training that plague its conventional forces.

Russia is proceeding with ambitious military reform. The effects of the global recession, an aging industrial base, corruption, mis-

management and demographic trends will limit Moscow's ability to realize the full benefits of the reform plan, but the sweeping reorganization likely will increase the military advantages over adjacent nations.

In Latin America, Mexico remains locked in a violent struggle against drug trafficking organizations which pose a grave threat to the state.

Venezuelan arms purchases, primarily from Russia, continue. Colombian operations have reduced the Marxist-oriented Revolutionary Armed Forces of Colombia guerillas' end strength by nearly 50 percent to approximately 8500 personnel. Sustained pressure could splinter the FARC until it poses less of a threat to democratic institutions, though it would remain involved in criminal activities.

The threat posed by ballistic missiles is likely to increase and grow more complex over the coming decade as they become more mobile, survivable, reliable and accurate at greater ranges. Prelaunch survivability also grows as potential adversaries strengthen their denial and deception methods.

Let me conclude by saying that while DIA's top war time priority is to provide the intelligence required by our military commanders and policymakers in support of our ongoing combat operations, this agency concurrently retains a core responsibility to prevent strategic surprise and be positioned to respond to a wide range of contingencies.

That requires the most prudent and judicious use of our resources, especially our most important resource, our people—both civilians and those in uniform. In visits with DIA's forward-deployed military and civilian personnel, including in Iraq and Afghanistan, I remain impressed by and thankful for their willingness to serve the nation in wartime. Many are on their second or third deployment alongside our troops in harm's way. Some have been wounded by roadside bombs and mortar attacks.

Notwithstanding their sacrifices, they continue to serve knowing that the intelligence they provide saves lives and speeds operations. On their behalf, I want to thank this committee for your strong support and continuing confidence in the Defense Intelligence Agency and our mission.

Chairman FEINSTEIN. Thank you very much, General Burgess.

Ambassador Dinger, if you'd be the wrap-up speaker, please.

STATEMENT OF AMBASSADOR JOHN DINGER, ACTING ASSISTANT SECRETARY OF STATE FOR INTELLIGENCE AND RESEARCH

Ambassador DINGER. Thank you. Thank you, Madam Chairman, members of the committee. It's my pleasure to be here today to represent the Bureau of Intelligence and Research at the State Department.

Although one of the smallest intelligence community elements, we consider ourselves to be mighty contributors to the Secretary of State as she fulfills her responsibility as the President's chief foreign policy advisor and we're proud of our contribution to the intelligence community as it ensures the security of the United States.

One of INR's principal missions is to provide timely and accurate intelligence analysis that enables U.S. diplomacy to anticipate and

address threats and opportunities and to do so early enough so that policymakers can take action. The average analyst in INR has 11 years of experience on his account, allowing him to offer what we believe is an uncommon depth of understanding of the characters and issues at play in the world.

INR is proud to put its analytical depth at the service of the Secretary and the intelligence community. Through our intelligence policy and coordination staff, INR also ensures that intelligence activities are consistent with and advance U.S. foreign policy interests and that other components of the intelligence community understand the information and analytical needs of the foreign policy decisionmakers.

INR has other important missions. One is to act as the IC's executive agent for analytical outreach, bringing outside expertise to bear on the most challenging intelligence and foreign policy issues of the day. INR's Office of Opinion Research aims to be the U.S. government's foremost authority on worldwide public opinion.

DNI Blair's written statement comprehensively addresses the global challenges before us. I will take just a few moments to highlight two areas that DNI and others have already spoken to in which INR is supporting the priorities of Secretary Clinton and the intelligence community and the United States government.

First, countering terrorism. Terrorism remains a key focus for INR's analysts. We have a small but dedicated team of analysts in our Office of Terrorism, Narcotics and Crime. They work closely with our regional analysts and with those throughout the IC to produce all-source strategic counterterrorism analysis with nuanced context and perspective.

The second area I also want to highlight is cyber. In 2008, the State Department established a new office, INR's Office of Cyber Affairs, INR Cyber, to analyze cyber issues and help coordinate the department's cyber activities. Currently housed in INR, INR Cyber collaborates across corridors in the State Department and throughout the IC to strengthen cyber security. It is also engaging with other nations to help establish norms that will help maintain the stability of and confidence in the Internet.

INR believes the intelligence community has an obligation to provide global intelligence coverage. I want to very briefly mention two regions, only one of which has been covered today in today's oral statements.

First, economic and political progress in Africa remains uneven, varies greatly from nation to nation and is still subject to sudden reversal or gradual erosion. The daunting array of challenges facing African nations makes it highly likely in the coming year that a number of African countries will face new outbreaks of political instability and economic distress that will join ongoing and seemingly intractable conflicts in places such as Sudan and Somalia.

Nigeria, for example, faces serious social, economic and security challenges over the next year. Guinea provides an example of how quickly African crises can emerge. Many African nations also risk humanitarian crises.

In some Latin American countries, democracy and market policies remain at risk because of crime, corruption and poor governance. Powerful drug cartels and violent crime undermine basic se-

curity elsewhere. Elected populist leaders in some countries are moving toward a more authoritarian and statist political and economic model and oppose U.S. influence and policies in the region.

Madam Chairman, members of the committee, INR will continue to think, analyze and write strategically to identify for Secretary Clinton the threats, challenges and opportunities arising from a complex and dynamic global environment. We will work hand-in-glove with the rest of the intelligence community to ensure the security of the United States. INR will strive to put intelligence at the service of foreign policy and make certain that intelligence activities advance America toward our foreign policy goals and protect us from threats.

Thank you, once again, for the opportunity to appear before you and I am happy to answer any questions you may have.

Chairman FEINSTEIN. Thank you very much, Mr. Ambassador.

To begin the questions, I'd like to ask a very specific question of each one of you if you would answer it. The question is, what is the likelihood of another terrorist attempted attack on the U.S. homeland in the next three to six months—high or low? Director Blair?

Director BLAIR. An attempted attack, the priority is certain, I would say.

Chairman FEINSTEIN. Mr. Panetta.

Director PANETTA. I would agree with that.

Chairman FEINSTEIN. Mr. Mueller.

Director MUELLER. Agree.

Chairman FEINSTEIN. General Burgess.

General BURGESS. Yes, ma'am. Agree.

Chairman FEINSTEIN. Mr. Dinger.

Ambassador DINGER. Yes.

Chairman FEINSTEIN. All right. I think that tells us something very clearly. There has been a response to the Abdulmutallab case that all suspected terrorists should be labeled enemy combatants and prosecuted through the military commissions system, if at all.

Candidly, my view is that the President should have the flexibility to make a determination based on the individual circumstances of the case—the location of the terrorist activity, the location of the arrest, the nationality of the suspect, whether federal crimes or law of armed conflict have been violated, et cetera.

I'd like to ask this question, Mr. Mueller. What is the FBI's track record in gaining intelligence and collecting evidence to convict terrorists since 9/11?

Director MUELLER. Well, Madam Chairman, in your opening statement, you mentioned many of the cases that we addressed last year: a number of disruptions from Dallas to Springfield, Illinois; Charlotte, North Carolina; the Zazi case in Denver and New York. In almost all of the cases, we have gathered intelligence. Some of that intelligence has become evidence so that we could arrest, indict and continue to prosecute those individuals.

Since September 11th we've had numerous disruptions. In just about every one of these cases where there are two or more involved, one or more of the individuals have ultimately cooperated, given the leverage of the criminal justice system to cooperate not

just against the conspirators but also to provide intelligence as to other potential threats.

And to the extent that we have had success since September 11th, it has been because we have been able to convince persons to provide intelligence, to provide evidence on others who may be involved in the plot and persuade individuals both here in the United States as well as elsewhere in the world to contribute intelligence as well as evidence to disrupt plots and to assure that those who were engaged in the plots are successfully prosecuted and incarcerated.

Chairman FEINSTEIN. Thank you very much.

I'd like to just quickly ask one question on the status of Hezbollah which has not been mentioned. Director, you assess that Hezbollah is the largest recipient of Iranian financial aid, training and weaponry. And Iran's senior leadership has cited Hezbollah as a model for other militant groups. How has Hezbollah rebuilt its military arsenal since its 2006 war with Israel?

Director BLAIR. Let me get some help from General Burgess here too, but overall, Hezbollah is stronger now than in 2006, when the last war took place. And it's also developed politically.

General BURGESS. Madam Chairman, I would agree with his assessment. They in fact reinforced and replaced very quickly what they had lost in the 2006 war with Israel. And today I think they are actually stronger and have improved themselves.

Chairman FEINSTEIN. Can you comment on the sophistication of these replacements?

General BURGESS. In some cases, from a missile standpoint, I think there are indications that they have improved. Hezbollah has increased the quantity of their missiles and may have acquired additional systems with improved accuracy. But at a minimum, their overall missile effectiveness remains the same.

Chairman FEINSTEIN. Thank you very much. I think that's going to be it for me, for now.

Mr. Vice Chairman, why don't you go ahead?

Vice Chairman BOND. Thank you, Madam Chair. Director Mueller, we appreciate and congratulate you on the excellent work that the FBI has done in capturing and bringing to justice Zazi and other people whose capture was announced last fall.

Do you believe that questioning of an enemy combatant, someone with potential knowledge of battlefield intelligence for the future, can be done briefly or within a short timeframe needed to give the customary Miranda rights of a normal criminal suspect, a bank robber, in the United States?

Do you agree with those in the intelligence community who say that the only effective way of interrogating somebody like Abdulmutallab would be to spend the time to collect the information otherwise available in the intelligence community, background and what other intelligence may be available, in order to question him effectively, to be able to ask him questions about issues where we know the answers to see if he's telling the truth and to confront him with other intelligence? Do you believe that that is necessary in some cases to get information on an enemy combatant?

Director MUELLER. Well, Senator, let me talk generally but then also somewhat specifically about the events of Christmas Day. Let

me start off with a belief that we in the FBI—as everybody in this room understands—know the importance of intelligence. Since September 11th, it has been the mission of the FBI to prevent terrorist attacks—not just indict and arrest and convict persons for those terrorist attacks but to prevent the terrorist attack and intelligence is key.

If you look at the circumstances of Christmas Day, the plane came in at approximately 12:00. Shortly there afterwards, we started pushing out information relating to the events that had occurred on the plane as it went into Detroit. We then, as I think everybody in this room knows and understands, Mutallab was arrested on the plane and taken to a hospital.

We had agents from the Joint Terrorism Task Force go to the hospital. They were given an opportunity to talk to Abdulmutallab before he went through surgical procedures. He had burned himself in trying to light the explosives. They had a window of opportunity; they exploited that window of opportunity to try to find out information as to whether there were other bombs on the plane, were there other bombs in other planes, who was responsible—and took that opportunity because it was given and there was an immediate need to have that information, that intelligence, to determine what the threat was at that time.

The doctors then took him in for surgical procedures. Going into that afternoon, there were discussions here amongst most of the agencies here as to what should occur down the road, although no specific instructions or consultations with persons at this table as to whether the individual should be Mirandized.

We were then given an opportunity later that night to again interview him. And after consultation, or in consultation with Justice Department attorneys, we determined to follow our protocols—protocols established by the Supreme Court—in terms of how you interrogate and question individuals in custody in the United States. A team went in to talk with him. He talked for a few moments and then afterwards, after he was given his Miranda warnings, asked for an attorney and we discontinued the questioning.

We felt we had to take that opportunity at the outset to gather the intelligence. It was not ideal; we did not have much information at 3:30 in the afternoon when the plane came in at 1:00. We gathered information throughout the afternoon to do a better interrogation that evening. We have found over a period of time that the Miranda warnings can, but often are not, an impediment to obtaining additional intelligence.

And the story continues. We have been successful, very successful in gathering intelligence over a period of time with teams, persons from various agencies, the most recent example being the intelligence we've gotten from David Headley, who was arrested in Chicago for his participation in the Copenhagen plot but also subsequently indicated his involvement in the Mumbai shootings.

As I say, this case as in all cases, we will continue to try to provide or obtain, I should say, information and intelligence from Abdulmutallab and to the extent that you wish further information on that——

Vice Chairman BOND. We will ask that. I'm asking a general procedural question. You're not saying that an enemy combatant that

comes into the United States has been ruled by the Supreme Court to be entitled to Miranda rights before questioning proceeds, are you?

Director MUELLER [continuing]. No, what I'm saying is that if a person is accepted by DOD for prosecution before a military commission, he is not entitled under the procedures that are extant to Miranda warnings. However, that has not yet gone up to the Supreme Court. And so there is a difference between having a person in the federal district court and the civilian courts and under military commissions.

Vice Chairman BOND. And that's the point. That's the point. Many commentators and I have agreed that treating this person as a common United States criminal when he was clearly an enemy combatant—I don't know how much more clearly you can be an enemy combatant, like the German saboteurs who arrived in the United States in the early 1940s. Nobody thought that they were bank robbers coming from Germany to rob some banks. They didn't treat them as such.

And from the press reports of what we've seen, this was not your average bank robber. He was not a car hijacker. This person was an enemy combatant. Who ultimately made the decision to Mirandize him? Who was the individual—where did that decision rest in the chain?

Director MUELLER. It rested with the head of our Counterterrorism Division along with attorneys from the Department of Justice.

Vice Chairman BOND. So it was a Department of Justice decision to Mirandize.

Director MUELLER. No, it was a combination of our providing the facts to the Department of Justice and in consultation with the Department of Justice making a decision that he should be Mirandized.

Vice Chairman BOND. While other agencies took part in it, we have heard that they felt that they needed to have more opportunity to question him.

Director BLAIR. Mr. Vice Chairman, on that score, I'm as strong for getting as much intelligence as we can from anybody remotely connected with terrorism, much less somebody who's carried a bomb into the country. But I think that we need to have a flexibility in the tools that we have available to use. And I'm not convinced that you can make a—in fact, I'm convinced that you cannot make a hard decision that everything should be taken through a military tribunal or everything should be taken through a federal court.

There are decisions that have to be made in which you balance the requirement for intelligence with the requirement for a prosecution and the sorts of pressure that you bring onto the people that you arrest in either form. It's got to be a decision made at the time. And I think the balance struck in the Abdulmutallab case was an understandable balance. We got good intelligence, we're getting more.

Vice Chairman BOND. I disagree very strongly with that conclusion, but I agree with you that there should be a decision made after consultation with the relevant agencies and the intelligence

community when an enemy combatant comes in before the Department of Justice gives the order to Mirandize him.

He's an enemy combatant and the decision ought to be made with the participation of the intelligence community, whether he thinks the future safety of the United States would make it imperative to question that enemy combatant before giving him a lawyer and Mirandizing him.

I see my time is up, Madam Chair.

Director BLAIR. Let me just say that we consider Director Mueller a full member of the intelligence community. He's one of the brothers.

Vice Chairman BOND. But he reports to the Attorney General and you, Mr. Director, in my view, should be the head of the intelligence community. If we haven't made it clear in IRTPA, we need to make that clear.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman.

Senator Rockefeller.

Senator ROCKEFELLER. I don't relish pursuing this, but in that it's become kind of a cause du jour, I think it's important to. I agree totally, Director Blair, with what you said, that it should be done on a case-by-case basis. Nothing should be ruled in; nothing should be ruled out. There's an instinct on the part of some that the only way that you can correctly get intelligence and then prosecute the enemy combatant or whatever you want to call him is through the military commissions.

And I think their record is they've condemned three and two of them are gone, on the streets. You, through the criminal justice system, Director Mueller, have prosecuted hundreds and they're around or in jail. Let me just ask, Director Mueller, in your experience as FBI Director in the 8 years since 9/11—and you've been there every single one of those days—have terrorist suspects provided valuable intelligence after they have been Mirandized?

Director MUELLER. On a number of occasions, yes, sir.

Senator ROCKEFELLER. Case by case?

Director MUELLER. Case by case. There are two cases—one that was already mentioned, David Headley out of Chicago, which is one of the more recent ones. Back in 2004, there was an individual by the name of Mohammed Junaid Zabar.

Senator ROCKEFELLER. Thank you.

Director MUELLER. Another individual who provided substantial intelligence.

Senator ROCKEFELLER. On the flipside, do terrorist suspects always automatically come forth with intelligence unless and until they are Mirandized?

Director MUELLER. No, it differs from case to case.

Senator ROCKEFELLER. Case by case.

Director MUELLER. Circumstance to circumstance.

Senator ROCKEFELLER. Thank you. Is it true that, depending on the circumstances, in some cases the best method for gaining intelligence is by charging the terrorist with a crime, Mirandizing him and conducting a thorough criminal investigation?

Director MUELLER. We have found that the system of justice in the United States, which allows for consideration for a contributing intelligence and information and credit for that is a powerful incen-

tive to persons to provide truthful, actionable information, evidence and intelligence.

You have other countries that don't have the same system of justice, where there is no incentive to cooperate or provide intelligence and the person stays in jail without any incentive to provide intelligence and without providing, ultimately, any intelligence. So in case after case here, we have been successful in entering into some sort of agreement with the defendant and having that defendant provide actionable intelligence.

Senator ROCKEFELLER. I don't want, particularly, an answer from any of you on this, but it is my impression, having studied this some, that the military commissions process for prosecuting is relatively unformed and in a state of play. It is not an experienced, professional process such as you have at your disposal. It may work very well. It may not work very well.

I'm not talking about the getting of intelligence, but I'm talking about the prosecuting. I don't expect you to answer on that, I'm simply giving you my opinion. Recognizing the classification issues at stake here, can you tell me if—and you've answered this already, but I want it on record—if Abdulmutallab had provided the valuable intelligence in his FBI interrogations?

Director MUELLER. On Christmas Day itself, he provided responses to questions, information and to the extent that we go into more detail, I'd ask that we do it in closed session.

Senator ROCKEFELLER. I understand that. I understand that. In your professional judgment, I would say to Director Blair—and you sort of answered this, but I'd like it again on the record because I think this is a debate which is spilling most unhelpfully across the talk shows and beyond—in your professional judgment, are there compelling national security reasons to prosecute some terrorism cases in a federal criminal court rather than in a military commission? And on the other side, would there be some cases where you might prefer to do it in a military commission, or are you familiar enough with their processes to make such a recommendation?

Director BLAIR. Senator, it's not my responsibility nor do I have a great deal of expertise in the venue that's chosen for prosecution. What I'm interested in is getting the intelligence out so that we can do a better job against the groups that send these people. And I've seen intelligence come from a variety of interrogations, primarily based on the skill of the interrogators—and there are good ones in many different places—and by the degree to which we back them up and back them up quickly with an intelligence team which can help them with their requirements. I think that's the key thing from my point of view.

Senator ROCKEFELLER. Then I would ask both of you, and actually of all five, it seems to me that what we've come down to in this brief interchange is that this should be done on a case-by-case basis based upon what seems to be best according to professionals who carry the responsibility and the judgment for making those decisions, should it be criminal justice, should it be military commission. Would you agree with that?

Director BLAIR. I think that decision is bound up in the interrogation, which is what I care about. So I think yes, it should be a

rapid, flexible, case-by-case, balancing the requirement for intelligence with the requirement to put these people behind bars and not let them go free that is what we need.

Senator ROCKEFELLER. Director Mueller.

Director MUELLER. I think our history has been that the decision whether or not to proceed in a federal district court or in a civilian court versus a military commission is a weighty decision. We've had two occasions where it's happened in the past where somebody's been taken out of civilian courts and put into the military courts and then ended up back in civilian courts—al-Mari and an individual by the name of Padilla.

And so yes, the differences in procedures for interrogation is one factor, but there probably are a number of other factors that need to be weighed by the Justice Department and the executive before that decision is made. And I'm not certain that it is a decision that can be made very quickly because there are a number of competing factors and one would want to take some time, I would think, in order to sort those factors out.

Senator ROCKEFELLER. But in the end, this is a decision that should be made by professionals according to their responsibilities and according to the facts of the case?

Director MUELLER. Yes, but ultimately, it is the Attorney General and the President that make the decision.

Senator ROCKEFELLER. But what I'm saying is that we should not limit the President by saying it has to go here or it has to go there.

Director MUELLER. Absolutely.

Senator ROCKEFELLER. He should not be limited.

Director MUELLER. Absolutely.

Senator ROCKEFELLER. I thank you both. Thank you Madam Chairman.

Chairman FEINSTEIN. Thank you very much, Senator Rockefeller.

Senator Hatch.

Senator HATCH. Thank you, Madam Chairman, and, first of all, I'd like to thank all of you for the hard work that you do for our country and for our people. You're all great people in my eyes.

Director Blair, let me just start with you. A few minutes ago, we received from your office a copy of a letter signed by John Brennan, who's Assistant to the President for Homeland Security and Counterterrorism to Speaker Pelosi on the subject of the closure of Guantanamo and the transfer of detainees abroad.

Now, the second paragraph of the letter states the following, "The professional assessment of our military commanders and civilian leaders of the Department of Defense is that closing the detention facilities at Guantanamo is a national security imperative in the war against al-Qa'ida. Secretary Gates, Admiral Mullen and General Petraeus have all stated that closing Guantanamo will help our troops by eliminating a potent recruiting tool."

Now, in my mind, the word "imperative" implies something that has to be addressed for an immediate reaction. Now, Director Blair, I concur that terrorist propaganda does use Guantanamo as a theme. It also uses our close relationship with Israel, but I don't think we're going to change our policies toward Israel as a result.

And by his assertion—or this assertion by Mr. Brennan, let me just ask you these specific questions.

Is there any intelligence or analysis that you can share here or provide in closed hearing that proves, indicates or even suggests that al-Qa'ida would change its plans and intents towards us if we closed Guantanamo?

Director BLAIR. I don't think it would change its plans or intent, but it would deprive al-Qa'ida of a powerful symbol and recruiting tool, which it has actively exploited over the years.

Senator HATCH. Well, just because they would have one less recruiting theme, is there an intelligence or analysis that the threat from al-Qa'ida would be diminished?

Director BLAIR. Well, the extent to which they weren't able to recruit people who the Guantanamo symbol helped to recruit, they would be weaker without it.

Senator HATCH. Well, is there any intelligence or analysis that you're aware of that specifically indicates that U.S. forces abroad would be under any less threat from al-Qa'ida were Guantanamo to be closed?

Director BLAIR. You're a much better lawyer than I am, Senator Hatch. I've learned that in these exchanges, but what I'm trying to say is that it's a factor that helps the enemy, that if we can deprive them of that factor, it's good.

Senator HATCH. Yeah, I'm not trying to give you a rough time, nor am I trying to cross examine you. But I am trying to establish that, my gosh, nothing's going to change their attitude towards us. There are a lot of things that we do that they don't like, including our friendship with Israel and some other countries in the Middle East, the Arab countries. Let me ask you this, have you ever provided intelligence to our policymakers that supports the notion that the homeland or our troops would be safer after Guantanamo's closed?

Director BLAIR. We provided intelligence and I assess, Senator Hatch, that among the things that we can do that would weaken al-Qa'ida would be to close Guantanamo and diminish the emotional and symbolic support that that gives them in the pool of people they try to recruit in order to come against us.

Senator HATCH. Well, isn't it true that al-Qa'ida used the prosecution and imprisonment of the blind sheikh as a recruiting tool and that al-Qa'ida members have said they were inspired to attack us because of that incarceration? You know that's true. Is there any intelligence that suggests al-Qa'ida would not use a prison located in the United States as a recruiting tool?

I've been to Guantanamo. It's pretty nice compared to the place in Illinois where they want to put them. It'd be nice and cold in the winter time and all I can say is that I imagine there'll be a hue and a cry that we're not fair by bringing them here.

Director BLAIR. Yes, I'm sure there will be stories about wherever they're incarcerated, but I'm thinking of books that have been written by former detainees that are passed out, testimonies on the Internet that Guantanamo has achieved a sort of mythic quality which helps al-Qa'ida.

Senator HATCH. Well, I think the point I'm trying to make—and, of course, I think it's easy to see—is that no matter what we do,

they're going to criticize us. We've got a very significant courthouse down there at Guantanamo that could try these in a military commission. We treat them very, very well down there. Some of them probably are treated better than they've ever been treated in their lifetimes.

But no matter what you do, the terrorists and al-Qa'ida and Taliban and others are going to complain and say that we're not doing it right. Seems to me crazy to, you know, to take the position that because Guantanamo has been a recruiting tool, then we ought to close it, when in fact it meets basically every need I think that we need in handling these matters. I have a lot of other questions, but I think I'll submit them in writing, but I'm really concerned.

We've seen what's happened just this past week with regard to the desire to hold the trial in midtown Manhattan. And now there's a great desire not to. As a trial lawyer, I can tell you right now that there are all kinds of approaches that could be taken that would be better than trying Khalid Shaykh Mohammed in this country.

And I think that the Zacarias Moussaoui case—4 years to try it or to go through the whole process—he ultimately gets off because one juror didn't believe in the death penalty. And during that trial, he was taunting families of those who had been killed and using it as a propaganda device to act like he was a hero when in fact he was nothing but a murderer as the twentieth hijacker. And I can't even begin to imagine what Khalid Shaykh Mohammed would do if that trial was within the confines of the United States and it's not a military tribunal.

Well, I know that you have to be a loyal member of the administration—all of you. And I accept that. But I think it's a dumb, dumb, stupid approach to take when we have the facilities that are perfectly capable of taking care of these people and doing it an a way with a military commission that makes sense, is legal, after we corrected the military commission statute and totally acceptable, it seems to me.

Senator ROCKEFELLER. Would the Senator yield?

Senator HATCH. Sure.

Senator ROCKEFELLER. That was quite a potent statement you made there.

Senator HATCH. Yeah, it was.

Senator ROCKEFELLER. To recognize that these five men before us are members of an administration and therefore the implication that they can only talk based upon what they have been instructed to say as opposed to being profound professionals in their field, as opposed to what they might actually feel. So are you saying that they're just saying what they've been told to say?

Senator HATCH. Well, I've only been here 34 years, but I can say that I've seen administration after administration executives that support their administration. I don't blame them for that. Their budgets depend on it. There are lot of other things—their jobs depend on it half the time.

Senator ROCKEFELLER. Thank you.

Senator HATCH. I don't have any problem with that. All I do have a problem with is I think it's stupid to put the whole country

through this mess because the Attorney General feels that might be a better way of doing things, when in fact it's the worst way of doing things.

Chairman FEINSTEIN. If I may——

Senator HATCH. Sure.

Chairman FEINSTEIN [continuing]. Now, you know, you're a good friend of mine, Senator Hatch.

Senator HATCH. I am.

Chairman FEINSTEIN. And I love and respect that friendship. But I've really got to correct the message.

Senator HATCH. Okay.

Chairman FEINSTEIN. First of all, the policy was really established during the regime of Ronald Reagan. And let me quote Jerry Bremer, who was this President's—Ronald Reagan's—first coordinator for counterterrorism in 1986. This is what he said in a speech in November of 1987 to the Council of Foreign Relations in Tampa.

He said, "Terrorists are criminals. They commit criminal actions like murder, kidnapping and arson. And countries have laws to punish criminals. So a major element of our strategy"—and remember, he's saying that on behalf of President Reagan—"has been to delegitimatize terrorists and get society to see them for what they are."

That was the policy then; it was the policy of every President since that time. George Bush—and I can go chapter and verse on each individual when they were transferred from one custody to another—he had flexibility, he made changes, and now all of a sudden, it's a huge political issue. And I think it's absolutely wrong to do that. So now I've had my say.

Senator HATCH. Now, let me just take a point of personal privilege.

Chairman FEINSTEIN. You may respond, Senator Hatch.

Senator HATCH. Yeah, I think that it's a question of law. It's a question of how you approach the law. And whether Reagan did that or not, I don't know. All I know is that we didn't have 3,000 people killed in one day in New York City, in the three various incidents that occurred. These are vicious people. As I understand it, Khalid Shaykh Mohammed said he would plead guilty and that he wanted to be executed so he could be a martyr for his people. And I think even having said that he deserves at least an opportunity for a trial.

But I think when you have the capacity of doing it in a place as good as Guantanamo, it ought to be done there. And it shouldn't be brought to this country on our shores. And I think you're seeing more and more people getting upset about this. And it's not so much a political thing as it is just a domestic security thing that people are concerned about.

Chairman FEINSTEIN. Thank you very much, Senator Hatch.

Senator Whitehouse.

Vice Chairman BOND. Madam Chair, I just have to add. I don't think Ronald Reagan deserves to be in this discussion. You talk about 1986. That was before the activities of the 1990s and when 9/11 brought a whole new threat to our views. Now, when 9/11 happened, President Bush took a number of actions. There's some that

I think—where he's been proven wrong and I would hope we would learn from releasing detainees. That was wrong. He made the right decision when he did treat Jose Padilla as an enemy combatant in questioning.

But if we can't learn from our mistakes, no matter whether it's Republican or Democrat, then we're doomed to commit them again. And I just suggest that we are learning a lot. And I would hope that we would have a different approach next time an enemy combatant lands on this soil. Thank you, Madam Chairman.

Chairman FEINSTEIN. Well, thank you. Just for the record, I'm going to submit to the record a list of individuals convicted under the Bush administration in criminal court, in Article III court—beginning with Richard Reid, going to Omar Abu Ali, Zacarias Moussaoui, as well as Padilla, Lindh, the Lackawanna Six and so on and so forth—and put these in the record.

The point is that a President should have flexibility to cite the venue for trial. And it may be different for different cases. And all I can say is those of us on this side of the aisle did not criticize President Bush for doing this at this time. And we view with some suspicion the fact that President Obama is being criticized for following policy that had been established since 9/11. I'll now recognize——

Vice Chairman BOND. Madam Chair—I will add ——

Chairman FEINSTEIN [continuing]. I'll now recognize Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Madam Chair.

Vice Chairman BOND [continuing]. I will add the names of the people who—the information released as a result of these trials, where we held the trials and I will discuss further—I disagree with your characterization. Thank you.

Chairman FEINSTEIN. Senator Whitehouse.

Senator WHITEHOUSE. Madam Chair, I have not been here 34 years. I have been here only three years, but I find it extremely discouraging that with these gentlemen before us—the head of the Defense Intelligence Agency, the head of the FBI, the Director of National Intelligence, the head of the Central Intelligence Agency and the acting head of the State Department's intelligence service—who I would add is the acting head because there is a Republican blockade of the person who is slated for that position here more than a year into the Obama administration—that all this committee can talk about is where Mr. Abdulmutallab was Mirandized and where trials should be.

There are so many issues that are so important to our national security that these gentlemen have real expertise in. I think it's clear that the tradition has been strongly towards civilian trials. There is one person in the world incarcerated as a terrorist as a result of a military tribunal right now, hundreds because of the other and yet this question persists and persists and persists and persists and persists.

It seems to be the only talking point on the other side of the aisle. And because so much of it is fallacious, we then have to respond in order to try to clear up the record and then this whole hearing turns into a focus on a point for which none of these gentlemen would need to be here and that really does not bear as sig-

nificantly as other issues, I think, on the responsibilities that they have to discharge.

So I say that and I will move to another issue, which is your report, Director Blair, leads off with a discussion of the risk of cyber attack to the country. And I want to read a couple of statements from a recent article in Foreign Policy magazine by Josh Rogin. He reported that senior U.S. military officials believe, "the Chinese government is supporting hackers that attack anything and everything in the national security infrastructure on a constant basis."

He continues, "the Defense Department has said that the Chinese government, in addition to employing thousands of its own hackers, manages massive teams of experts from academia and industry in cyber militias that act in Chinese national interest with unclear amounts of support and direction from Chinese Peoples Liberation Army."

It seems that the analogy in cyber warfare goes back to the ancient days of naval combat when nations not only sent out ships under their own flag to engage in warfare but also offered to private ship owners, to pirates, indeed, letters of mark to go out and act in that nation's interest.

What do you believe are the most important structural deficits that we have and need to fix in dealing with state-sponsored cyber attacks on our country that either come through false legs or are hidden behind work stations that are located all around the world in order to be able to deter these attacks?

And, if it makes a difference, could you distinguish between what Mr. Rogin referred to as hackers that attack anything and everything in the national security infrastructure on a constant basis and the brain drain that we face from wholesale industrial espionage—stealing our manufacturing and technological secrets so that competitors abroad can take advantage of them without paying for the intellectual property they have stolen.

Director BLAIR. Senator Whitehouse, the individual skills of a single hacker, whether he is doing it for fun or paid off by a criminal or employed by an intelligence service of another country, you can have really ace hackers under all three of those scenarios. The advantage of a government or the characteristics of government-sponsored attacks are more the focus on what they do and the ability to put it together with other forms of intelligence—spies and humans that they can use, not just sitting there at the keyboard. Criminals can do some of that, individual hackers generally don't.

So the nature of this threat is pretty much the same no matter who is doing it. It's just the resources they have to put against it.

Senator WHITEHOUSE. Those resources can matter a lot when it ends up to thousands or even tens of thousands of attacks daily and weekly.

Director BLAIR. Absolutely. And that brings me to the second point which is that, as I said in my statement, the general level of our defenses is just not good enough for either the monetary value or the intrinsic value of what we keep on the Net—intellectual property and so on. Now, our big international central banks that send billions of dollars across wires in networked systems have developed tough defenses. And they spent a lot of money on them and they put a lot of people on them. They continually check

them and they can have high confidence that they can be secure against outsiders—an insider is still a threat.

There are many transactions that involve extremely powerful information and which people seem to think that a relatively simple password is enough to protect. And even a moderate hacker can get into files in major companies in lots of commercial areas that are not protected at all.

So I think we simply have to raise the game, spend more money which is proportionate to what we're protecting rather than just making it an add-on thing. Do more training of people so that they are more skilled and take advantage of the techniques that are available there if we just put them in and apply them.

I'd say if we do that, we would be up at the 90, 95 percent level of protection and after that, it would take a very skilled, determined, resourced, timely attack in order to get in. But a lot of extremely valuable things are available through very, very unsophisticated hackers who just do brute force methods. And they can be criminals or hackers or they can be government agents.

Senator WHITEHOUSE. Thank you, Director. My time has expired.

Chairman FEINSTEIN. Thank you very much, Senator Whitehouse.

Senator Wyden.

Senator WYDEN. Thank you, Madam Chair, and thank you to all of you for your service to our country.

We've had a number of closed sessions on the Christmas Day attack but I'd like to talk about a couple of issues in public to get actually on the record what I think the country is especially concerned about. My sense is that the intelligence community does a good job collecting intelligence but has a harder time integrating it and analyzing it.

And you all have talked about a number of steps through the course of the afternoon. Director Panetta, you talked about how people like Mr. Abdulmutallab are going to be looking for other opportunities. And here's my question, and I want to ask this of you, Director Blair. If the events leading up to Mr. Abdulmutallab's attempted attack were repeated over the next several months, how confident are you now that a new Mr. Abdulmutallab would be identified as a threat before he boarded an airplane bound for the United States?

Director BLAIR. Senator Wyden, I'm confident that someone who left the trail that Mr. Abdulmutallab did would now be found. Even in the month since the 25th of December, we have added human resources—we put more people on the problem, we've assigned them more specifically, and we've made some more tools available that would catch an Abdulmutallab.

What I can't tell you is that even with these improvements we would be able to catch someone who took more care in—I'd rather not talk about it in open session—but someone who is more careful, more skilled, could still leave an intelligence trail that we would have a hard time——

Senator WYDEN. But you could provide the assurance to the American people—because this is why I wanted to ask it in public—that with the additional resources, with your effort to unpack everything that took place, you are now significantly more con-

fident that another Mr. Abdulmutallab would be apprehended before he got on the plane.

Director BLAIR [continuing]. Yes, sir.

Senator WYDEN. Okay. Director Mueller, if I could, I wanted to ask you about this homegrown al-Qa'ida and terrorist threat, and certainly, when you look at some of the high-profile arrests that the FBI has made over the past year of people like Headley and Mr. Zazi, this is something also very much on people's mind. You touched on it in your statement: How serious do you believe the threat of a homegrown al-Qa'ida threat is today?

Director MUELLER. I think it's a very serious threat and increasing, principally because of the enhanced use of the Internet to radicalize and to be utilized to coordinate actions. And so with the growth of the Internet, so too has grown the threat domestically. If you look at individuals like Samadi in Dallas, he was radicalized by the Internet; the individual up in Springfield; individuals in Charlotte. The homegrown radicalization by those who were radicalized in the United States who do not and have not traveled overseas for training has grown over the last several years.

Senator WYDEN. Are you more concerned about al-Qa'ida terrorists coming from inside the United States now or from outside?

Director MUELLER. I'm equally concerned about—probably both are about the same level of concern. I do think that the attacks undertaken by individuals who have some association or training overseas tend to be more of a threat in terms of the capabilities than some of the threats that we've seen domestically. And so it is the training, the enhanced capabilities that come for persons traveling overseas and then coming back that would make any terrorist attack a more substantial terrorist attack in most cases than undertaken by a lone individual in the United States.

Senator WYDEN. Let me just close the loop on this. So you think it's a serious threat and would you say it's as significant threat as you see, say, in Great Britain?

Director MUELLER. I think to a certain extent, in some areas, we share the same concerns as Great Britain. And by that, I mean places like Somalia and Yemen and the ability of terrorists in those countries to identify individuals who can be trained in either Somalia, Yemen or Pakistan and then travel back to the U.K. or the United States, we have somewhat the same problems—particularly with Somali youth, individuals, we found last year who were traveling to Somalia and coming back to the United States.

On the other hand, the U.K. has, I believe, a stronger network of individuals who have been radicalized with close ties to South Asia—stronger ties to South Asia than you'll find here in the United States—which presents a different threat to the U.K. than it does to us.

Senator WYDEN. Let me turn to one other subject for you, Director Panetta. Do you or any of your associates have an estimate about what it would take to drive al-Qa'ida out of the Pakistani tribal areas? I think I want to touch briefly on the question of Pakistan, and what is your assessment of what it would take to drive al-Qa'ida out of that area.

Director PANETTA. Senator Wyden, I've asked that question a number of times because obviously our operations are very aggres-

sive and very directed and, as I said, are very effective with regards to disrupting their operations. Having said that, the reality is that they continue to operate; they continue to move within the FATA and the tribal areas. I would just share with you that I think to effectively be able to disrupt al-Qa'ida and to end their threat we need to have boots on the ground in addition to our operations.

Senator WYDEN. One last question if I might, Madam Chair. What else, Director Panetta, could the Pakistani government do if Pakistani leaders wanted to provide more assistance on counterterrorism issues?

Director PANETTA. Just what I said, which is boots on the ground. They, in fact, went into South Waziristan. That was very effective on bringing pressure on these groups. They had to move; they had to scramble. That helped us in terms of our operations. We need them to continue that effort.

Senator WYDEN. Thank you, Madam Chair.

Chairman FEINSTEIN. Thank you very much, Senator Wyden.

Senator Snowe.

Senator SNOWE. Thank you, Madam Chair, and thank you all for being here today.

I just want to be clear because this is obviously a profound concern and I share the sentiments expressed by my colleague, Senator Bond, about the whole issue and issuing of Miranda rights to a terrorist on Christmas Day. And I think the American people need to have reassurances as well in terms of what is going to change as a result, you know, of what happened, and what is going to be the process going forward?

Because it seems to me, in this instance, it clearly should have commanded the attention at the highest levels in the intelligence community about whether further questions should be posed to this individual to be certain that the questions being posed were based on all of the information regarding al-Qa'ida in Yemen, for example, about this individual, and putting it all together before issuing his Miranda rights.

And I think that's what's so disturbing here because that did not occur, so it didn't seem to me, and I don't think it seemed to the American people, that there was a cohesive, concerted effort and determination based on all of the information that had been gathered in highly-classified settings regarding al-Qa'ida in Yemen and, of course, this individual and any associates, and whether or not there was vital information that needed to be gleaned. And we won't know that now.

And furthermore, the administration had said they were setting up in a group called the high-value detainee interrogation group precisely for this type of circumstance. Has that been done? And why wasn't that done? And how are we going forward?

How is the intelligence community going to move forward based on this particular situation that really does cast a shadow? Because we won't ever know about what could have been elicited from this individual because of who posed the questions, frankly. You weren't consulted, Director Blair, at the highest level, for any questions that should have been posed to this individual. And it seems to me

it should have warranted consultation with you and others to be sure under this circumstance.

Director BLAIR. Yes, Senator Snowe, if we'd known all we needed to know about Mr. Abdulmutallab, he wouldn't have been on the airplane. It was a pop-up. There were extraordinary time pressures on Christmas Day. I said to another committee that the process of bringing together intelligence and skilled interrogators, in the light of how we want to prosecute somebody, is the absolute key thing. A form of that was done on Christmas Day. The Joint Task Force FBI agents asked good questions. I've read the intelligence reports that they put out and they were good.

We have taken advantage of the time we now have in order to bring the full intelligence expertise into the support of the FBI, in this case, which will—we hope—bring even more intelligence which we can use. We have this high-value interrogation team building the file so that when we get somebody that we know about, probably overseas, we can have done a lot of that homework that Senator Bond referred to first.

So the principle of using intelligence, using good interrogators, making sure that we are taking the steps we need to get them behind bars in the most effective way are what we need to bring together. And we just need to do that fast and the right way.

Director MUELLER. I understand the concern in terms of the public's understanding of what happened on Christmas Day. I also share your concern that in doing a thorough interrogation you have the input from a number of sources, the background, the preparation and the like. But it also is important to obtain the facts as soon as you can and the time frame as such that you do not have the opportunity to do that background such as you would like.

There were very fast-moving events on Christmas Day. We took advantage—and I say "we"—the FBI took advantage, in my mind, of the opportunities to gather that intelligence as quickly as we could under the constraints that we operate in and with a person who is arrested in the United States.

I, along with Director Blair and Director Panetta, believe that teams of individuals with the appropriate background should be deployed to do interrogations. And the protocol has been established, has been set up, but we have not waited for that protocol. We have utilized those teams already. With Headley, for instance, in Chicago, we had a team of individuals who were doing the follow-up questioning of him with expertise from a variety of areas, and there we had the luxury of time in order to do it.

We have teams established that will be ready to go, in terms of—or in the instance where we will pick up somebody in a particular area of the world—where we will have teams, and do have teams, ready to go to undertake those interrogations. So we have done a lot in terms of putting together these teams to interrogate. But you also have to look at what happened on Christmas Day in the confines of trying to get intelligence on that day as to what was the immediate threat that the American public faced.

Senator SNOWE. So what was the fast-moving event of that day that necessitated issuing his Miranda rights? I'm not clear on that. What was the rush and the extraordinary pressures that were being faced?

Director MUELLER. Well, first of all, we had to determine whether there were any—in the initial interview, we had to determine whether there were other bombs on the plane, whether there were other planes that had similar attacks contemplated, wanted to understand who the bomb maker was, who had directed him. All of that came in the first series of questions.

Later that night, we had another opportunity to interview him, and I believe that at that time, not only would we be able to interview him, but we would interview him in the way that we could utilize his statements to assure his successful prosecution, understanding that we have the obligation to take the individual before a magistrate without undue delay, which would mean he'd go before a magistrate within the next 24 hours. So we sought to take advantage of that time to undertake the interrogations we could with the evidence we gathered at hand.

Senator SNOWE. But why wouldn't it have been—I guess I'm still not clear, because I don't understand why we'd want to issue the Miranda rights when we're worried about whatever other subsequent events that might be occurring.

Director MUELLER. Because we also want to utilize his statements to effectively prosecute him.

Senator SNOWE. Well, you know, I just profoundly disagree with that. I think most people do, given those circumstances. It just doesn't seem to me to make sense. And frankly, not having the collective weight on the intelligence community to really zero in on this particular individual at this moment in time is really disconcerting and troubling, and I think that's the point.

Director MUELLER. Now, let me just add one other point, and that is, it is a continuum. In other words, you can look at it in that day, but I encourage you to look at what has happened since then. And it is a continuum in which, over a period of time, we have been successful in obtaining intelligence not just on day one, but day two, day three, day four, day five and down the road. And so I encourage you to look at it as a continuum as opposed to looking at it as a snapshot of what happened on one day.

Senator SNOWE. Thank you.

Chairman FEINSTEIN. Thank you very much, Senator Snowe.

Senator Risch.

Senator RISCH. Thank you. First of all, Senator Snowe is right, and I'm going to come back to that in just a minute. But I want to engage in the political sparring that we've had here, briefly, to start with.

First of all, I think the questions by my colleague from Oregon were very on point, wanting to know if the American people can be assured that somebody like Mr. Abdulmutallab will not be allowed on a plane again. And I have every confidence that you guys are right, that you've got it figured out, that this isn't going to happen. Unfortunately, most people that, if they're going to do this again, they won't have a guy with the credentials that this guy's got. There's a million people out there that have no record, and you won't see it again. But it's important.

As far as the Article III trial, I don't understand it and I don't—you know, whether Bush did it or Reagan did it or this President did it, when it comes to a combatant, they're all wrong on this. Ar-

ticle III courts were put together for the protection of the United States citizen. It is expensive to try someone in an Article III court. It is a great protection that most of the world doesn't have. Certainly, people that come here that are foreigners that attacked us are not entitled to an Article III trial. So I don't care who made the decision, what party they're in; they're dead wrong on that.

Guantanamo—yeah, it's a political issue only because it became a political issue during the last campaign. Every one of us here has met with people from the Arab world and what-have-you. The flashpoint for them is not Guantanamo; it's Israel, as was pointed out. And I'd like to associate myself with remarks from Senator Hatch.

Let's talk about Miranda for a minute. Let me try to put this in perspective for you. I used to be a prosecutor—in fact, I was a prosecutor when Miranda was decided. We all thought it was the end of the world. It turned out it wasn't. But we learned a lot of things from it. Miranda simply—the court said look, in America, we are not an inquisitorial criminal process, we are an accusatorial criminal process. That means the government's got to accuse you, they've got to prove it and you don't have to come up with any information to help them do it. That's what Miranda was all about.

Again, it was done for the protection of United States citizens living under the United States Constitution, and not for foreigners. Miranda is simply an exclusionary rule. Now, I think most people in this room know what an exclusionary rule is. You don't go to jail if you're a police officer because you don't Mirandize someone. The case doesn't get thrown out because you don't Mirandize someone. The only thing that Miranda does is it excludes any evidence that the police got because they didn't give the guy his Miranda warning.

All right, let's take the Christmas Day bomber. Somebody tell me why he had to be given his Miranda warnings. With all due respect, Mr. Mueller—and by the way, thank you for what you do. You guys have tough jobs and I appreciate it—but with all due respect, you didn't need to give this guy Miranda in order to have a legitimate criminal prosecution. You had 200 witnesses that saw what he did. You didn't need a confession from the guy.

And anything you got out of him, if you didn't Mirandize him, couldn't be used in a court of law, but who cares? You've got all kinds of eyewitnesses; you were going to convict him. I would hope you'd go back and look at this again and understand that the Miranda rule is simply an exclusionary rule.

Number one, if you're not going to try him in an Article III court you don't need to Miranda him. And number two, if you've got all the evidence you need, you don't need to Miranda him. Go ahead and interrogate this guy until the cows come home because it doesn't matter.

What you want that for is you want it for intelligence, and if whatever he says never sees the light of day in a courtroom, who cares? This guy is going to get convicted. But with all due respect, I think you lost some information that could have been very, very valuable to the American people.

And with that, thank you very much, Madam Chairman. And there's a couple minutes left, so maybe, Mr. Blair, you're in the middle seat; do you want to comment on that.

Director BLAIR. I find the intelligence committee has an awful lot of former prosecutors on it but I think that the balance that we're trying to strike—it's interesting, I hear these same conversations inside the executive branch when we have our meetings on the same subjects. I mean, these are not easy matters and somebody would have found the absolute perfect way to balance the prosecution and intelligence value before now if it had been right there.

So I'd just say these are balance cases and we can talk about individual ones, but we need to keep all the tools out there, we need a process to think them through, we need to take advantage of whatever time we have and the circumstances of the case, and try to do the best thing.

Senator RISCH. Well, Mr. Blair, let me disagree with you, as far as this being a balancing matter. This is not a balancing matter. The question is, whatever I get out of this guy, do I need it in a court of law? If you don't need it in a court of law, there's no balance that's necessary or anything else. I mean, there's no reason—I mean, just think about this guy. He came from a foreign country and he wasn't able to accomplish what he wants, so he gets drug into the room by American authorities and he's sitting there thinking, geez, I wonder what's coming next. You know, I don't know what these guys do, but I bet it isn't pretty.

And somebody comes in and says, by the way, we're going to give you a lawyer if you'd like one. This guy says, have I died and gone to heaven? You know, I mean, of course he's going to shut up. When you tell him don't say anything until you talk to a lawyer and we're going to give you a free one, of course, he's going to do that. With all due respect, this is not difficult. It's really simple. Do you need the statement in court or do you not need the statement in court? And if you don't, wring everything you can out of that guy.

Madam Chairman, I'm done.

Director MUELLER. May I just add one thing?

Chairman FEINSTEIN. Yes, you may, Mr. Mueller.

Director MUELLER. I don't disagree with what you said, Senator, but I will say that you are looking at it in the rear mirror. And the decisions that are made—you are assuming that, at the point in time decisions are made, we have a full understanding of the case that we have against him. And this is but five, six hours afterwards—four or five hours after he's gotten off the plane.

And so I don't disagree with a lot you say, but by the same token, you're looking at it in the rear-view mirror. And if you put yourself at the time and the decisions that you have to make at that time, you may come down on the other side.

Senator RISCH. And Mr. Mueller, I don't disagree with that. But in this case, I'll bet you guys had talked to about a half a dozen people that saw exactly what he did and knew you had an airtight case against this guy.

Director MUELLER. Sir, we were out interviewing that afternoon the passengers from the plane. But the results of those interviews, we don't get until late that night or the following day. The first in-

formation we have off the plane, when our agents are out there, is saying an individual has set off some firecrackers on the plane. And that's the first information we have. And so, as you well know as a prosecutor, as the day goes forward and the events, that you get pieces of information at a particular point in time.

The other point I would make is that, again, as I made it with Senator Snowe, is this is a continuum over a period of time. And what happens on that day happens on that day. But do not discount what has happened or what does happen after that in terms of gaining that intelligence.

Senator RISCH. And that's fair. Thank you, Madam Chairman.

Chairman FEINSTEIN. Thank you very much, Senator.

Senator Feingold, you're up.

Senator FEINGOLD. I thank the Chair. I have a statement that I ask be included in the record.

Chairman FEINSTEIN. Without objection.

Senator FEINGOLD. In light of the discussion this afternoon, I want to note my strong support for the decision to try Khalid Shaykh Mohammed and Abdulmutallab in federal court. It's a decision that I think actually demonstrates our national strength.

Director Blair, on January 7th, White House Counterterrorism Advisor John Brennan acknowledged, "we didn't know that AQAP had progressed to the point of actually launching individuals here." Do you agree with that statement?

Director BLAIR. Senator, we had some information that they had ambitions to attack the United States before that point.

Senator FEINGOLD. You know, this strikes me as an area of strategic intelligence and perhaps a failure of strategic intelligence.

And it's important, I think, that we acknowledge and address that as part of this even as we simultaneously work on how to improve the so-called connect-the-dots tactical capabilities. I just think it's important to see that as part of what happened.

CT Advisor Brennan also said that al-Qa'ida is looking in Africa for recruits and that the government is very concerned about this and is following up. I'd ask both Directors Blair and Panetta, where in Africa do you see this occurring? And are you concerned? Do we have a good enough handle on this threat continent-wide?

Director PANETTA. The areas of principal concern are Somalia and we have intelligence that obviously there are individuals that are going to Somalia—in some cases, U.S. citizens that are going to Somalia and that are involved in training camps there. And that's one area of concern. Yemen is another area of concern, as is obvious. And, again, there al-Qa'ida has a presence and we have strong intelligence that is trying to target those individuals. More importantly, we have intelligence that indicates that there is a continuing effort to try to recruit somebody to institute some kind of attack on the United States.

Director BLAIR. Senator Feingold, I think you're familiar with the organization al-Qa'ida in the Maghreb, which is based in Western Africa. And I think what we're learning is that this really is a syndicate al-Qa'ida in South Asia, Yemen, other places, and that they—in ways that we don't entirely understand—pass people from one to the other. Abdulmutallab was a Nigerian; 70 million Mus-

lims, generally moderate, in Nigeria. But obviously, there is a number who can be radicalized to the point that he was.

So what I'm finding is to put them into geographic pigeonholes is kind of limiting our vision. And maybe that was part of the limited vision that we had before.

Senator FEINGOLD. Well, I think that's exactly right, Mr. Director. And I appreciate your adding that to the items that Director Panetta mentioned. I tried to talk today to the Secretary of State about the countries in Western Africa where drug trade, perhaps from Latin America, is perhaps being connected up with these things. And of course, your reference to al-Qa'ida in the Islamic Maghreb is absolutely right in terms of Northern Africa.

So I guess I go back just to comment, do we have the resources? Do we have the capacity to follow this? These are incredibly vast areas. And the conditions that allow al-Qa'ida to recruit in Africa are exactly the kind of problems that I think demand broader reform of the sort that I have proposed and this committee and the Senate have already approved. And I'm hoping that that can be completed and undertaken in terms of a commission in the near future. Until we integrate the intelligence community with the ways we openly gather information, radicalization, I think, we'll keep being one step behind al-Qa'ida.

We also need counterterrorism policies that are informed by what is actually happening in these countries. Last year, the State Department concluded that the al-Houthi rebellion in Yemen was distracting the government from counterterrorism. Do the witnesses have any concerns that Sana'a's recent interest in CT will not be sustained or that fighting the rebellion they're dealing with, the southern secessionists, will be competing priorities?

Director Panetta.

Director PANETTA. Senator, the situation in Yemen remains a volatile situation. And although we have gotten strong support from President Salih to go after targets and to share opportunities to ensure that we are working together, he is besieged by the Houthi situation on the border. He's besieged by what's happening in the south and the potential that they might divide from his country. So there are a series of problems there that could very well consume him. This is not a clear-cut situation in terms of having his support.

Senator FEINGOLD. Thank you. Director Blair, your prepared testimony is refreshingly candid about Pakistan's continued support for militant proxies and about the assistance provided by some of those groups to al-Qa'ida. You also indicated that Pakistan's actions are motivated by a desire, of course, to counter India, which makes Pakistan's strategic view of India central to our national security.

I'm not convinced that the U.S. military operations in Afghanistan are going to actually change Islamabad's calculations in this regard. Isn't something else going to have to happen to alter how Pakistan has looked at the region for the past 60 years?

Director BLAIR. Senator, in conversations with Pakistani officials and through assessing them with intelligence experts, we think that that historical foundation that you cite certainly provides the foundation and the heritage of what they go into these decisions

with. But they are constantly reevaluating what is happening on their western border.

What I think General Kayani, for example, one of the key leaders, said yesterday that what he sees as important in Afghanistan is that it be a friendly state and stable state. And he has offered, for example, training to Afghanistan armed forces in order to achieve that. So while the Pakistani threat coming from India is historically well-grounded and lies at the core of Pakistan's concern, I think they are realistic in terms of looking around and seeing how do they best carry out their interests in that framework.

Senator FEINGOLD. I thank you all.

Chairman FEINSTEIN. I think we should probably begin to wrap it up. There may be some additional questions. All right, Mr. Vice Chairman, why don't you go ahead and then I'll wrap it up.

Vice Chairman BOND. Okay, just a couple quick things. I admit to having been on the government and the defense side in a few criminal cases, limited manner, but I do associate myself with the country lawyer from Idaho. Not only are there problems with the trial, but I also recall Khalid Shaykh Mohammed, when arrested, said something like, my lawyer and I will see you in New York. So if he were to be tried in New York, which apparently not, it would be granting his greatest wish.

Now, turning to Gitmo, it was always my understanding that the many detainees in Gitmo were never intended to come to the United States for trial. That's why we worked, in 2007 and 2009, to get the military tribunals properly established.

Now, moving along, Mr. Director, I was very disappointed—I wrote you a month and a half ago asking the recidivism numbers for the past year detainees returning to terrorism to be made public. I first got my answer via the media last night, when the letter from White House Advisor Brennan was sent to the House Speaker, which stated openly what we've known, that the recidivism rate was 20 percent.

He went on to note that all those were from the previous administration. But putting aside all that, and the fact that it took us a long time to get that answer, number one, I hope that the information will be forthcoming on a regular basis in the future. When I ask a question, I'd like to hear from you in a more timely manner. But I do know that the detainees released prior to 2009 were judged to be the very most rehabable or most subject to rehabilitation detainees they had.

So I don't believe it takes a rocket scientist to realize that letting any more go would heighten the risk. Do you have any reason to believe that additional detainees will not go through the so-called rehab programs, or come back with additional information they can use to plan and execute terrorist attacks against the United States?

Director BLAIR. I think you're absolutely correct on this, Vice Chairman, that the 500-odd detainees who had been released before last year, and then the 120-some-odd that have been designated for release since then are probably easier cases. And I've been personally going through some of these harder cases, and there's a fairly large number of them that we shouldn't——

Vice Chairman BOND. I would hope they would not be released.

Director BLAIR [continuing]. Yes, sir.

Vice Chairman BOND. Now, moving to the high-value detainee interrogation group that everybody's calling HIG for short, when will the document be finalized and the committee get a copy of it, and have this operation in place?

Director BLAIR. Sir, the charter—I've signed off on the charter, so it should—it requires a number of sign-offs around the government. I'll look at when it would be available, but it's moving along, and, as Director Mueller said, we are using the components that we expect will coalesce into a HIG right now.

Vice Chairman BOND. But as I understand it from the executive order, that the HIG is actually under control of the White House through the National Security Council. Is that correct?

Director BLAIR. The body that makes the decision on deploying it is in the White House with representatives from everybody at this table.

Vice Chairman BOND. But it's the National Security Council. If Usama bin Ladin were captured tomorrow, would the HIG interrogate him? Would he be read his Miranda rights?

Director BLAIR. If Usama bin Ladin were captured, I would very much hope that the HIG would interrogate him and squeeze all the information out of him——

Vice Chairman BOND. Prior to Mirandizing him.

Director BLAIR [continuing]. I'm not going to talk about the——

Vice Chairman BOND. Director Panetta, to what extent is the CIA in the interrogation business at all? I've talked to colleagues who've gone overseas and met with commanding officers who, when asked about who can interrogate them, bring their lawyer in to give an answer because they don't seem to know. Does the CIA have any role in interrogation? If so, what is it?

Director PANETTA. Yes, Senator, we are engaged with these teams, and what we bring is obviously the intelligence value associated with whoever is being interrogated. But we do participate in those kinds of interrogations.

Vice Chairman BOND. So you've been participating in the HIG?

Director PANETTA. That's correct.

Vice Chairman BOND. How long's that HIG been going?

Director PANETTA. Well, obviously, we have gone ahead and dispatched some of these teams with the CIA, with the FBI, in order to——

Vice Chairman BOND. How long have they—I didn't know that the CIA or anybody else was interrogating people; how long has that been going on?

Director PANETTA [continuing]. Well, we're participating with the FBI.

Vice Chairman BOND. Since when?

Director MUELLER. Last fall.

Vice Chairman BOND. So you have been doing this——

Director MUELLER. I mean, we have been doing it in teams in anticipation of the formal signing of the document, but the concept has been in place since last fall and we have used it on a number of occasions.

Director BLAIR. Senator, the CIA personnel are not the interrogators; they're the backup, aren't they, Director Panetta?

Director PANETTA. They're backup, but they are doing some of the interviewing.

Chairman FEINSTEIN. If I may, the HIG is operational and has been deployed, correct?

Director BLAIR. Yes.

Chairman FEINSTEIN. Thank you. Senator Rockefeller, you had a comment and Senator Whitehouse, will you make a comment?

Senator ROCKEFELLER. I don't have a question, but just a comment because time is running out. The two things that I'd hoped to discuss here today, but which we won't have time to do—but we'll have plenty of time in the near future—is, number one, to meet the two greatest growing threats within our terrorist community. One has already been discussed, and that is the youth—I believe by you, Director Panetta—and that is that Abdulmutallab is—you know, he had no record; he was clean, had a 2-year visa.

He started in when he was 22 years old. He was arrested when he was 23 years old. I see this as growing all across the world, including in our own country, obviously, because they are clean, because they cannot be traced. And for that reason, as Director Blair knows, it's a concern of mine that when these folks choose to travel and they pay in cash, and because they pay in cash, there's simply an interchange with somebody at an airport or a travel agent, nothing is known about them—just that they paid in cash and, you know, maybe checked luggage or maybe didn't.

So there has to be a way, which we can work out, that when somebody pays in cash, that the person at the counter or the person at the travel agency asks questions, gets certain information from that person—Social Security number, telephone number, address, address where the person will be overseas. People won't like it. Airlines won't like asking those questions. They'll think it's a harassment upon them. But there is no other protection that I know of for people who have a paperless trail. So that's one thing that concerns me greatly.

And the second one we've also talked about in other situations, and that is the fact that—I think I've read it in several books and plenty of articles—that, let's say that the entire operation of bringing down the twin towers cost al-Qa'ida about $500,000 and that with all of the poppy activity, the corruption activity, the criminal gang activity which interrelates in with the Taliban in Pakistan, with the Taliban in Afghanistan, and with others. And they cross-fertilize at some point, because money is money. Also, so much money is contributed to this from foreign countries, and we all know who those foreign countries are.

The question of chasing down the financing of terrorism is, to this Senator, a primary concern. I don't know how much is being done about it. I do know that—I think that they can sort of do a twin tower every three weeks, according to the amount of money they raise. And that may be just from the drug trade—the narcotics—much less the other types of financial resources that are coming to them, just in overwhelming hundreds of millions of dollars, hundreds of millions of dollars.

That has to be faced up to. And it's serious; it's hard; it's a hard thing to shut down because it's worldwide. You're dealing with different people; you're not necessarily dealing with the terrorists

themselves. You're dealing with the people who facilitate. But now, they become equally dangerous. They enable. And that's scary.

Thank you, Madam Chair.

Chairman FEINSTEIN. Thank you very much, Senator.

Senator Whitehouse, you had a question?

Senator WHITEHOUSE. I believe that the Chairman in her opening remarks referenced the report that the committee is working on on cyber security. I believe that the extent to which the country is under cyber attack is under-appreciated by the public. And I would like to ask each of you for your cooperation with that report in making timely decisions about declassification so that we can, without compromising any national security information, present information in the report about the scale of the attack that we face in a meaningful way and in our time frame.

I believe that will require some cooperation from you as declassifiers since nobody in the legislative branch of government is a declassifier and our procedures for declassifying information are so complex that I frankly believe that they have never actually been used.

So it will require your cooperation and I'd just like to take this public opportunity to ask you for your cooperation in accomplishing that.

Director BLAIR. Senator, we'll do that.

And, Madam Chairman, if I can just clarify one thing in my exchange with Senator Feingold, I just had a chance to review the statement by Mr. Brennan that he mentioned. And we're not at odds. It's a distinction between strategic and tactical intelligence and we're both saying the same thing.

Chairman FEINSTEIN. Thank you very much. I'd like just to clarify my understanding. My understanding is that the high value detainee interrogation team is in fact operative, that it has been deployed and that it will participate in any future interrogation. Is that correct?

Director PANETTA. That's correct.

Chairman FEINSTEIN. Thank you, Mr. Panetta.

It is also my understanding that Mr. Abdulmutallab has provided valuable information. Is that correct?

Director MUELLER. Yes.

Chairman FEINSTEIN. And that the interrogation continues despite the fact that he has been Mirandized.

Director MUELLER. Yes.

Chairman FEINSTEIN. It is also my information that the no-fly list has been substantially augmented. Is that correct?

Director PANETTA. That's correct. We have added a number of names to the no-fly list.

Chairman FEINSTEIN. And can you discuss the definition for placement on the no-fly list? We discussed this and you read the definition, which took a Philadelphia lawyer to——

Director BLAIR. Closed session. And we showed you the stack of paper which is required. And I think it's a case of practice and interpretation of those rules. And, as Director Panetta said, we are interpreting those more aggressively right now until we get a better handle on this situation with al-Qa'ida in the Arabian Peninsula.

So it's within the same words written on the paper, but it's more aggressive and flexible in terms of actually getting more names on the list when we're in the gray area.

Chairman FEINSTEIN [continuing]. And it's my understanding that the views of a chief of station will be taken into consideration in terms of determining whether an individual should be placed on a no-fly list or a watch list. Is that correct, Mr. Panetta?

Director PANETTA. That's correct.

Chairman FEINSTEIN. I think that's very important. And I'm delighted to hear that. All right.

I'd like to thank everybody. I'd like to thank you for your service to the country. I'd like to thank your staff that have worked on this. I know it's a very hard time and that the next six months are a difficult period. So the committee stands available to be of whatever help it can be.

Vice Chairman BOND. I was going to say, before you closed, first, I join with the Chair in thanking you for your discussions. I believe, having been around here a little while, that when we have these open hearings, one of the most important things we can do is talk about issues that are important to the public. And while we've had very spirited debate on both sides, there is strong disagreement.

I think the public wants to hear from you, from both sides of the aisle on our views on this. So I find this is a very, very helpful discussion. It's difficult because good friends are disagreeing. But I thank the Chair for having this in open hearing, and letting us pursue those.

Number two, I've said that I believe that we have very strong interest on both sides of the aisle in making sure that cyber security is pursued as an intelligence matter, but that the American people understand just how dangerous these cyber attacks are for our personal bank accounts, credit cards, for the security of our infrastructure—power supply, water companies and all that—and for our national security.

So when we find things that can be discussed openly, we will look forward to doing so.

And finally, Madam Chair, I believe the record normally will stay open for a couple of days.

Chairman FEINSTEIN. It will stay open.

Vice Chairman BOND. Surprisingly enough, I didn't even get through the questions. I would like to give our distinguished witnesses an opportunity to respond to some of the comments that have been made by former Attorney General, Mike Mukasey, who was the trial judge in the Blind Sheik and other cases. And I would like to get your reaction to those.

But I thank you, Madam Chair, for putting up with this and having a very spirited, interesting debate.

Chairman FEINSTEIN. Thank you very much, Mr. Vice Chairman. Thank you, gentlemen. The hearing is adjourned.

[Whereupon, at 5:05 p.m., the Committee adjourned.]

Supplemental Material

Annual Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence

Dennis C. Blair

Director of National Intelligence

February 2, 2010

Far-Reaching Impact of the Cyber Threat

The national security of the United States, our economic prosperity, and the daily functioning of our government are dependent on a dynamic public and private information infrastructure, which includes telecommunications, computer networks and systems, and the information residing within. This critical infrastructure is severely threatened.

This cyber domain is exponentially expanding our ability to create and share knowledge, but it is also enabling those who would steal, corrupt, harm or destroy the public and private assets vital to our national interests. The recent intrusions reported by Google are a stark reminder of the importance of these cyber assets, and a wake-up call to those who have not taken this problem seriously. Companies who promptly report cyber intrusions to government authorities greatly help us to understand and address the range of cyber threats that face us all.

I am here today to stress that, acting independently, neither the US Government nor the private sector can fully control or protect the country's information infrastructure. Yet, with increased national attention and investment in cyber security initiatives, I am confident the United States can implement measures to mitigate this negative situation.

The Evolving Threat and Future Trends

The United States confronts a dangerous combination of known and unknown vulnerabilities, strong and rapidly expanding adversary capabilities, and a lack of comprehensive threat awareness. Malicious cyber activity is occurring on an unprecedented scale with extraordinary sophistication. While both the threats and technologies associated with cyberspace are dynamic, the existing balance in network technology favors malicious actors, and is likely to continue to do so for the foreseeable future. Sensitive information is stolen daily from both government and private sector networks, undermining confidence in our information systems, and in the very information these systems were intended to convey. We often find persistent, unauthorized, and at times, unattributable presences on exploited networks, the hallmark of an unknown adversary intending to do far more than merely demonstrate skill or mock a vulnerability. We cannot be certain that our cyberspace infrastructure will remain available and reliable during a time of crisis. Within this dynamic environment, we are confronting threats that are both more targeted and more serious. New cyber security approaches must continually be developed, tested, and implemented to respond to new threat technologies and strategies.

We face nation states, terrorist networks, organized criminal groups, individuals, and other cyber actors with varying combinations of access, technical sophistication and intent. Many have the capabilities to target elements of the US information infrastructure for intelligence collection, intellectual property theft, or disruption. Terrorist groups and their sympathizers have expressed interest in using cyber means to target the United States and its citizens. Criminal elements continue to show growing sophistication in their technical capability and targeting. Today, cyber criminals operate a pervasive, mature on-line service economy in illicit cyber capabilities and services, which are available to anyone willing to pay. Globally, widespread cyber-facilitated bank and credit card fraud has serious implications for economic and financial

systems and the national security, intelligence, and law enforcement communities charged with protecting them.

The cyber criminal sector in particular has displayed remarkable technical innovation with an agility presently exceeding the response capability of network defenders. Criminals are developing new, difficult-to-counter tools. In 2009, we saw the deployment of self modifying malware, which evolves to render traditional virus detection technologies less effective. The Conficker worm, which appeared in 2008 and created one of the largest networks of compromised computers identified thus far, continues to provide a persistent and adaptable platform for other malicious enterprises. Criminals are targeting mobile devices such as "smartphones," whose increasing power and use in financial transactions makes them potentially lucrative targets. Criminals are collaborating globally and exchanging tools and expertise to circumvent defensive efforts, which makes it increasingly difficult for network defenders and law enforcement to detect and disrupt malicious activities

Two global trends within the information technology environment, while providing greater efficiency and services to users, also potentially increase vulnerabilities and the consequences of security failures. The first is *network convergence*—the merging of distinct voice and data technologies to a point where all communications (e.g., voice, facsimile, video, computers, control of critical infrastructure, and the Internet) are transported over a common network structure—will probably come close to completion in the next five years. This convergence amplifies the opportunity for, and consequences of, disruptive cyber attacks and unforeseen secondary effects on other parts of the US critical infrastructure. The second is *channel consolidation*, the concentration of data captured on individual users by service providers through emails or instant messaging, Internet search engines, Web 2.0 social networking means, and geographic location of mobile service subscribers, which increases the potential and consequences for exploitation of personal data by malicious entities. The increased interconnection of information systems and data inherent in these trends pose potential threats to the confidentiality, integrity and availability of critical infrastructures and of secure credentialing and identification technologies.

The Intelligence Community plays a vital role in protecting and preserving our nation's cyber interests and the continued free flow of information in cyberspace. As Director of National Intelligence, I am creating an integrated and agile intelligence team to help develop and deploy a defensive strategy that is both effective and respectful of American freedoms and values. In the 2009 National Intelligence Strategy, I focused the Intelligence Community on protecting the US from a multi-vector cyber threat, covering malicious actors seeking to penetrate a network from the outside, insiders, and potential threats hidden within the information technology supply chain. We are integrating cyber security with counterintelligence and improving our ability to understand, detect, attribute, and counter the full range of threats. I started this last summer when I charged my new National Counterintelligence Executive to create a cyber directorate within his office that would provide outreach for foreign intelligence threat warnings and ensure insider threats are thwarted by the USG through use of technology and operational countermeasures. I believe this emphasis can augment and improve existing cyber efforts toward improving national and economic security for our nation.

We cannot protect cyberspace without a coordinated and collaborative effort that incorporates both the US private sector and our international partners. The President's Cyberspace Policy Review provides a unifying framework for these coordinated efforts. The five elements of the framework—leading from the top, building capacity for a digital nation, sharing responsibility for cybersecurity, creating effective information sharing and incident response, and encouraging innovation—serve to align the efforts of the Intelligence Community with its many government and private sector partners. As Director of National Intelligence, I will continue to ensure that information on these threats reaches executive and legislative leaders quickly, to allow them to make informed national security decisions. I will also stay in touch with private companies that provide network services so that we are both helping them stay secure and learning through their experience.

Also, I continue to report to the President on the implementation of the Comprehensive National Cybersecurity Initiative (CNCI), which was designed to mitigate vulnerabilities being exploited by our cyber adversaries and provide long-term strategic operational and analytic capabilities to US Government organizations. By enabling the development of these new technologies and strategies, as a core component of a broad strategic approach to strengthening cybersecurity for the nation, the CNCI will give the United States additional tools to respond to the constantly changing cyber environment. Simultaneously, the CNCI stresses the importance of the private sector as a partner through information sharing and other best practices to address vulnerabilities. My Cyber Task Force produces quarterly reports on this government-wide effort, providing a balanced assessment of its progress at improving the US Government's cyber security stance. The Congress funded most, but not all, of the Administration's request last year. We will need full funding of this program to keep close to pace with our adversaries.

The Changing Threat to the Global Economy

A year ago I began my Statement for the Record by addressing the threat to global economy, which at the time was in a free fall and generating fears of a global depression. An unprecedented policy response by governments and central banks in most large economies compensated for the sudden drop in private sector activity and laid a foundation for a global recovery that most forecasters expect will continue through 2010. Asia, led by China, India, and Indonesia, has been the most robust region globally and has helped support the return of growth elsewhere.

This is likely to be an economic policy transition year in which governments and central banks will face difficult choices about when and how to begin withdrawing stimulus measures as their economies gain steam. Exit strategy missteps could set back the recovery, particularly if inflation or political pressures to consolidate budgets emerge before household consumption and private investment have begun to play a larger role in the recovery. From a geographic perspective this risk is greatest in Europe where the recovery is anemic; and some governments are likely to begin consolidating their budgets despite weak economic conditions. The financial crisis has increased industrial country budget deficits and efforts to reduce those deficits are likely to constrain European and Japanese spending on foreign priorities—such as supporting

efforts to stabilize Afghanistan, assisting poorer countries in coping with climate change and reducing CO2 emissions, and addressing humanitarian disasters—and spending on their own military modernization and preparedness for much of this decade.

Financial contagion risks are falling but have not disappeared. Most emerging market nations have weathered the crisis, international private investment flows are recovering, and the IMF has the resources to intervene when necessary. Nonetheless, the economies of several countries remain at risk despite the improving global environment. Pakistan and Ukraine are still struggling to put their economic houses in order and probably will face economic setbacks, particularly if they lose support from the IMF and other sources of finance. Bulgaria, Estonia, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, and Romania remain fragile and the breaking of euro pegs in the region would put new strains on European banks. The near-default of Dubai World late last year serves as a reminder that large company defaults still have the potential to raise investor risk assessments and cause problems in the rollover of corporate debt.

Among the major industrial countries Japan was hardest hit by the crisis due to the importance of its export sector. China is likely to surpass Japan as the world's second largest economy this year—a year earlier than the IMF had forecasted before the crisis hit. As Japan recovers, its exporters will benefit from dynamic growth in emerging Asia and the relative importance of the US market will decline.

Globalization Challenges

The financial crisis was transmitted broadly and rapidly through international capital and trade channels and has challenged the view that globalization is the road to prosperity. The financial crisis did not unleash a wave of 1930s-style beggar-thy-neighbor protectionist policies. Nonetheless, there has been some slippage since the crisis began as several countries have introduced new trade restricting measures, "buy local" government procurement rules, and support to domestic firms to safeguard employment and their companies. Although such policies currently impact a small proportion of global trade, high persistent joblessness and excess capacity in politically sensitive sectors, such as automobiles and steel, will require continued vigilance to ensure that trade disputes do not escalate into a more serious tit-for-tat protectionism. Additionally, Chinese inroads into market share in a range of product markets have made them a leading target of other countries' trade remedy measures.

The IMF's role in helping to stabilize at-risk emerging markets during the crisis has shifted the debate about the IMF's future from whether it has one to what can be done to reform the institution to meet the needs and demands of the next decade. The IMF emerges from the crisis with more resources to deal with financial crises and a new role to support the G-20. The outcome of the G-20 agreement to realign IMF governance to raise emerging market countries clout, however, will largely determine the Fund's relevance to the larger emerging markets.

The financial and economic crisis provided the catalyst for governments to agree to elevate the G-20 to the premier economic policy forum, giving the largest emerging market country leaders a status on par with G-7 leaders. So far, the three G-20 summits have given an impression of relative unity and produced some significant agreements, such as the decision to

boost IMF financial resources. As the crisis atmosphere fades, however, the G-20's diversity and size may undercut efforts to maintain consensus as policy decisions require more detail and specificity.

Global Energy Security Challenges

One year ago oil prices were falling sharply because of reduced global demand resulting from the crisis. Action by OPEC to cut production and the start of economic recovery are supporting the current higher prices and several forecasters predict that prices will remain strong this year. Sufficient OPEC spare production capacity exists—about 6 million barrels per day (b/d)—to meet oil demand growth in 2010, which the International Energy Agency predicts will be about 1.4 million b/d.

The Intelligence Community is not in the business of predicting oil prices but most market observers expect the combination of high inventory levels and excess production capacity will limit upward movements in oil prices for the next year. The current prices of around $75 per barrel of crude are well off the record levels of almost $150 per barrel reached in mid 2008 but are high enough that most large exporting nations are generating enough revenues to finance their budgets and accumulate foreign assets. Nonetheless, Russia is turning to international financial markets this year to fill its budget gap and Venezuela is struggling to offset the lower prices and declines in oil production.

To meet demand growth in next three to 10 years and reduce the risk of future price spikes, however, international and national oil companies will need to re-engage on major projects that were shelved when prices fell in late 2008. For example, several Canadian oil sands projects—high-cost and high carbon-emitting ventures—were delayed or cancelled and, despite current higher prices, most of these projects remain on hold pending a clearer picture of the strength of the economic recovery and policies on CO2 emissions. Brazil and Kazakhstan are the two other non-OPEC producers that we expect to add substantial capacity, although most of their additional supply will come from deep, technically challenging offshore projects and will not be available until after 2015. Russia is benefiting from the recent completion of several major projects—some operated by foreign companies—but depletion rates in fields now producing makes further gains unlikely absent policy changes to spur development of new fields.

Within OPEC, Iraq is a bright spot for oil capacity expansion. Foreign companies that successfully bid in the two bid rounds held in 2009 are proposing to increase production to about 4-6 million bpd in seven-to-twelve years from the present 2.4 million bpd. Nonetheless, a fragile security and political environment, dilapidated infrastructure, and limited institutional capacity will make it difficult to fully realize this increase. Minor production increases are likely to come from other OPEC producers, primarily in the form of natural gas liquids that are a byproduct of increases in the production of natural gas, especially in such countries as Qatar, Iran, and Algeria.

Recent developments in the US gas sector, primarily shale gas, have made the United States essentially gas independent for at least a decade or two, if not longer. The increase in US natural gas resources has added downward pressure on gas prices worldwide; sharp declines in US

imports of liquefied natural gas cargos, coupled with an increase in liquefaction export capacity, have produced a glut of liquefied natural gas available on the market.

Terrorists Under Pressure; Terrorist Threat to Homeland Remains

I told you last year that we were turning a corner on violent extremism, as Muslim opinion increasingly turned against terrorist groups like al-Qa'ida because of their brutal tactics that resulted in the deaths of Muslim civilians. In statements during the past year I, and other Intelligence Community officials, have highlighted the major counterterrorism successes that we and our partners have scored—successes that have removed key terrorist leaders and operatives who threatened the US Homeland directly, as well as the interests of the United States and its partners overseas. The spate of recent terrorism-related events, if taken judged in isolation, would seem to call into question our counterterrorism successes, and it is natural that we ask ourselves whether these events are evidence of an increase in the threat, a change in the nature of the threat, or both. While our agencies are continuing to evaluate how these events fit into the strategic threat picture and we have many unanswered questions, I would like to put these events into context.

First, we have been warning since 9/11 that al-Qa'ida, al-Qa'ida-associated groups, and al-Qa'ida inspired terrorists remain committed to striking the United States and US interests. What is different is that we have names and faces to go with that warning. We are therefore seeing the reality. In fact, as I will expand on, the individuals who allegedly have been involved in recent events have come from the same components that I have talked about many times before: Najubullah Zazi and his two recently arrested co-conspirators allegedly are associated with core al-Qa'ida; Umar Farouq Abdulmutallab, the Nigerian who allegedly attempted to down the US airliner on Christmas Day, represents an al-Qa'ida affiliated group; and Major Nidal Hasan, who allegedly perpetrated the tragic attack at Fort Hood, is a homegrown extremist.

Second, we can take it as a sign of the progress that while complex, multiple cell-based attacks could still occur, we are making them very difficult to pull off. At the same time, the recent successful and attempted attacks represent an evolving threat in which it is even more difficult to identify and track small numbers of terrorists recently recruited and trained and short-term plots than to find and follow terrorist cells engaged in plots that have been ongoing for years.

Third, while such attacks can do a significant amount of damage, terrorists aiming against the Homeland have not, as yet, been able to attack us with chemical, biological, radiological, or nuclear weapons. I discuss this issue more in my classified statement.

Finally, I note that Muslim support for violent extremism did not change significantly in 2009 and remains a minority view, according to polls of large Muslim populations conducted on

behalf of Gallup and Pew. On average, two-thirds of Muslims in such populations say that attacks in which civilians are targeted "cannot be justified at all." Support for violent groups is likely diminishing among the Pakistani and Saudi populations, with the percent of Pakistanis who view the Taliban negatively roughly doubling over the past year. In Saudi Arabia, violence- and terrorism-related indicators monitored by Gallup decreased since May 2008. I refer you to my classified statement for more information regarding polling and our analysis.

Again, important progress has been made against the threat to the US Homeland over the past few years, but I cannot reassure you that the danger is gone. We face a persistent terrorist threat from al-Qa'ida and potentially others who share its anti-Western ideology. A major terrorist attack may emanate from either outside or inside the United States. Enhanced offensive and defensive counterterrorism efforts have certainly interrupted or deterred some plotting against the Homeland, but actionable intelligence on the key details of terrorist plots—dates, specific targets, and the identity of operatives—are often fragmentary and inconclusive thanks to the terrorists' stringent operational security practices.

The Threat from the Al-Qa'ida Core

We judge that al-Qa'ida maintains its intent to attack the Homeland—preferably with a large-scale operation that would cause mass casualties, harm the US economy, or both.

- In April 2009, Abu Yahya al-Libi, the official spokesperson and head of al-Qa'ida's religious committee, publicly advocated blowing up US military, political, economic, and financial institutions. While he did not specifically address attacking the Homeland, in a videotaped message in June 2009 Usama Bin Ladin warned the American people to be prepared to continue reaping what the White House sowed. In the same month al-Qa'ida's third-in-command, Shaykh Sa'id al-Masri, said that the organization's strategy for the future is similar to its strategy in the past—namely "hitting Americans."

In our judgment, al-Qa'ida also retains the capability to recruit, train, and deploy operatives to mount some kind of an attack against the Homeland. Counterterrorism efforts against al-Qa'ida have put the organization in one of its most difficult positions since the early days of Operation Enduring Freedom in late 2001. However, while these efforts have slowed the pace of anti-US planning and hindered progress on new external operations, they have not been sufficient to stop them.

The Government alleges that al-Qa'ida successfully trained in Pakistan at least one operative, Najibullah Zazi, for operations inside the Homeland. Prior to his discovery, he was allegedly able to acquire materials for homemade explosives, possibly with the assistance of other US persons, and assemble and test devices.

What Would Another al-Qa'ida Homeland Attack Look Like?

We know that al-Qa'ida often recycles targeting concepts with some tactical variations. Some of the plots disrupted since 9/11 have involved attacks on a smaller scale than those in 2001, but the most recent plot for which we knew the target was the London-based aviation plot in 2006, which involved mid-air attacks on multiple aircraft.

- The ongoing investigation into the case of Najibullah Zazi has not yet revealed the intended target(s) of this alleged plot. Zazi was allegedly developing hydrogen peroxide-based homemade explosives, which have been featured in several al-Qa'ida external plots against the West since 9/11.

- Targets that have been the focus of more than one al-Qa'ida plot include aviation, financial institutions in New York City, and government targets in Washington, D.C. Other targets al-Qa'ida has considered include the Metro system in Washington D.C., bridges, gas infrastructure, reservoirs, residential complexes, and public venues for large gatherings.

- We cannot rule out that al-Qa'ida's interest in damaging the US economy might lead the group to opt for more modest, even "low-tech," but still high-impact, attacks affecting key economic sectors.

We judge that, if al-Qa'ida develops chemical, biological, radiological, or nuclear (CBRN) capabilities and has operatives trained to use them, it will do so. Counterterrorism actions have dealt a significant blow to al-Qa'ida's near-term efforts to develop a sophisticated CBRN attack capability, although we judge the group is still intent on its acquisition.

Al-Qa'ida Targeting US Partners Overseas

Al-Qa'ida's strategy for driving Western influence from Islamic lands, halting Pakistani counterterrorism efforts in the FATA, and facilitating the establishment of sharia law in South Asia includes conducting terrorist attacks on many of our partners overseas.

- We judge that al-Qa'ida is still plotting attacks against the European targets and that it has encouraged its affiliates to target European citizens in countries in which the affiliates operate.

- Al-Qa'ida has encouraged and supported Pakistani militants who have stepped up attacks in major cities in Pakistan, resulting in numerous casualties.

What It Will Take to Stop Al-Qa'ida

Al-Qa'ida's ability to deploy additional operatives into the Homeland to conduct attacks will depend heavily on whether the United States and its partners maintain enhanced counterterrorism efforts against the group's activities in the FATA and on US, European, and Pakistani efforts to identify and disrupt operatives.

- We assess that at least until Usama Bin Ladin and Ayman al-Zawahiri are dead or captured, al-Qa'ida will retain its resolute intent to strike the Homeland. We assess that until counterterrorism pressure on al-Qa'ida's place of refuge, key lieutenants, and operative cadre outpaces the group's ability to recover, al-Qa'ida will retain its capability to mount an attack.

- Sustaining defensive US security measures will remain a critical component of mitigating threats to the Homeland. Enhanced law enforcement and security measures in the United

States and overseas, including immigration controls, visa requirements, and aviation and border security, continue to deter terrorists from undertaking plots, complicate terrorists' ability to enter the United States, and stop terrorist activity before plans reach the execution phase.

Al-Qa'ida's Global Following

The plans and capabilities of al-Qa'ida in the Arabian Peninsula (AQAP) are of foremost concern at this time, and we will continue to monitor the group's capabilities, intentions, and recruitment of Westerners or other individuals with access to the US Homeland. The investigation into the attempted Christmas Day attack on a US airliner is continuing, but it appears that the al-Qa'ida regional affiliate AQAP, which has advocated attacks on the US Homeland in the past, directed the suspect, Umar Farouk Abdulmutallab, and provided him training and explosives. We are still exploring the genesis of this plot and what other Homeland plots AQAP and associated Yemeni extremists may have planned. We are concerned that they will continue to try to do so, but we do not know to what extent they are willing to direct core cadre to that effort given the group's prior focus on regional operations.

AQAP is focused on expanding its ranks and plotting in Yemen and Saudi Arabia, and AQAP's predecessor attacked the US Embassy in San'aa twice in 2008.

Beyond AQAP, Al-Qa'ida will continue its efforts to encourage key regional affiliates and jihadist networks to pursue a global agenda. A few al-Qa'ida regional affiliates and jihadist networks have exhibited an intent or capability to attack inside the Homeland. Some regional nodes and allies have grown in strength and independence over the last two years and have begun to project operationally outside their regions.

Other regional affiliates and jihadist networks that will bear watching include: Pakistan-based militants associated with al-Qa'ida; jihadists who have left Iraq but remain inspired by al-Qa'ida's anti-Western agenda; and East Africa-based al-Qa'ida affiliates. I discuss these threats in more detail in my classified statement.

- In addition, networks of Islamic extremists in Europe represent a continued threat because of their access to fighters and operatives with training in Afghanistan, Iraq, Pakistan, and Somalia; the presence of active facilitation networks in Europe; and European nationals' relative ease of travel to the United States.

- Al-Qa'ida historically has worked with trusted individuals within Pakistani militant groups to leverage operational resources, including trainees, and almost certainly will continue to do so.

- As al-Qa'ida in Iraq's (AQI) fortunes in Iraq have declined, al-Qa'ida leadership losses in Afghanistan and Pakistan and burgeoning violent campaigns in Yemen and East Africa provide opportunities for AQI veterans to employ their skills elsewhere.

- We judge most Al-Shabaab and East Africa-based al-Qa'ida members will remain focused on regional objectives in the near-term. Nevertheless, East Africa-based al-Qa'ida leaders or al-Shabaab may elect to redirect to the Homeland some of the Westerners, including North Americans, now training and fighting in Somalia.

Lashkar-i Tayyiba (LT) is a special case. Although the group is not focused on the US, we are concerned that, in general, it is becoming more of a direct threat, and is placing Western targets in Europe in its sights. LT's plotting against India and willingness to attack Jewish interests and locations visited by Westerners as demonstrated in the 2008 Mumbai attacks raise concerns that either the group itself or individual members will more actively embrace an anti-Western agenda.

Homegrown Jihadists

Over the past year we have seen ongoing efforts by a small number of American Muslims to engage in extremist activities at home and abroad. The motivations for such individuals are complex and driven by a combination of personal circumstances and external factors, such as grievance over foreign policy, negatively inspirational ideologues, feelings of alienation, ties to a global pan-Islamic identity, and the availability of poisonous extremist propaganda through the Internet and other mass media channels.

We are concerned that the influence of inspirational figures such as Anwar al-Aulaqi will increasingly motivate individuals toward violent extremism. Of particular concern are individuals who travel abroad for training and return to attack the Homeland. Thus far, however, US Intelligence Community and law enforcement agencies with a domestic mandate assess that violence from homegrown jihadists probably will persist, but will be sporadic. A handful of individuals and small, discrete cells will seek to mount attacks each year, with only a small portion of that activity materializing into violence against the Homeland.

The tragic violence at Fort Hood last year underscores our concerns about the damage that even an individual or small number of homegrown extremists can do if they have the will and access. It is clear, however, that a sophisticated, organized threat from radicalized individuals and groups in the United States comparable to traditional homegrown threats in other countries has not emerged. Indeed, the elements most conducive to the development of an entrenched terrorist presence—leadership, a secure operating environment, trained operatives, and a well-developed support base—have been lacking to date in the United States or, where they have been nascent, have been interrupted by law enforcement authorities.

Thus far, radicalization of groups and individuals in the United States has done more to spread jihadist ideology and generate support for violent causes overseas than it has produced terrorists targeting the Homeland. A linkage to overseas terrorist groups is probably necessary to transform this threat into a level associated with traditional terrorist groups. We are watching to see how terrorist overseas may try to stimulate such activity.

Lebanese Hizballah

We judge that, unlike al-Qa'ida, Hizballah, which has not directly attacked US interests overseas over the past 13 years, is not now actively plotting to strike the Homeland. However, we cannot rule out that the group would attack if it perceives that the US is threatening its core interests.

The Growing Proliferation Threat

As we discussed last year at this time, ongoing efforts of nation-states to develop and/or acquire dangerous weapons constitutes a major threat to the safety of our nation, our deployed troops, and our allies. The threat and destabilizing effect of nuclear proliferation and the threat from the proliferation of materials and technologies that could contribute to existing and prospective chemical and biological weapons programs top our concerns.

Traditionally WMD use by most nation states has been constrained by deterrence and diplomacy, but these constraints may be of less utility in preventing the use of mass-effect weapons by terrorist groups. Moreover, the time when only a few states had access to the most dangerous technologies is over. Technologies, often dual-use, circulate easily in our globalized economy, as do the personnel with scientific expertise who design and use them. It is difficult for the United States and its partners to track efforts to acquire WMD components and production technologies that are widely available.

- The IC continues to focus on discovering and disrupting the efforts of those who seek to acquire these weapons and those who provide support to weapons programs elsewhere. We also work with other elements of our government on the safeguarding and security of nuclear weapons and fissile materials, pathogens, and chemical weapons in select countries.

We continue to assess that many of the countries that are still pursuing WMD programs will continue to try to improve their capabilities and level of self-sufficiency over the next decade. Nuclear, chemical, and/or biological weapons—or the production technologies and materials necessary to produce them—also may be acquired by states that do not now have such programs; and/or by terrorist or insurgent organizations, and by criminal organizations, acting alone or through middlemen.

We do not know of any states deliberately providing CBRN assistance to terrorist groups. Although terrorist groups and individuals have sought out scientists with applicable expertise, we have no corroborated reporting that indicates such experts have advanced terrorist CBRN capability with the permission of any government. We and many in the international community are especially concerned about the potential for terrorists to gain access to WMD-related materials or technology.

I will begin by detailing what we see as the WMD and missile threat from Iran and North Korea.

Iranian WMD and Missile Program

The Iranian regime continues to flout UN Security Council restrictions on its nuclear program. There is a real risk that its nuclear program will prompt other countries in the Middle East to pursue nuclear options.

We continue to assess Iran is keeping open the option to develop nuclear weapons in part by developing various nuclear capabilities that bring it closer to being able to produce such weapons, should it choose to do so. We do not know, however, if Iran will eventually decide to build nuclear weapons.

I would like to draw your attention to two examples over the past year that illustrate some of the capabilities Iran is developing.

First, published information from the International Atomic Energy Agency indicates that the number of centrifuges installed at Iran's enrichment plant at Natanz has grown significantly from about 3,000 centrifuges in late 2007 to over 8,000 currently installed. Iran has also stockpiled in that same time period approximately 1,800 kilograms of low-enriched uranium. However, according to the IAEA information, Iran also appears to be experiencing some problems at Natanz and is only operating about half of the installed centrifuges, constraining its overall ability to produce larger quantities of low-enriched uranium.

Second, Iran has been constructing—in secret until last September—a second uranium enrichment plant deep under a mountain near the city of Qom. It is unclear to us whether Iran's motivations for building this facility go beyond its publicly claimed intent to preserve enrichment know-how if attacked, but the existence of the facility and some of its design features raise our concerns. The facility is too small to produce regular fuel reloads for civilian nuclear power plants, but is large enough for weapons purposes if Iran opts configure it for highly enriched uranium production. It is worth noting that the small size of the facility and the security afforded the site by its construction under a mountain fit nicely with a strategy of keeping the option open to build a nuclear weapon at some future date, if Tehran ever decides to do so.

Iran's technical advancement, particularly in uranium enrichment, strengthens our 2007 NIE assessment that Iran has the scientific, technical and industrial capacity to eventually produce nuclear weapons, making the central issue its political will to do so. These advancements lead us to reaffirm our judgment from the 2007 NIE that Iran is technically capable of producing enough HEU for a weapon in the next few years, if it chooses to do so.

We judge Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon. Iran already has the largest inventory of ballistic missiles in the Middle East and it continues to expand the scale, reach and sophistication of its ballistic missile forces—many of which are inherently capable of carrying a nuclear payload.

We continue to judge Iran's nuclear decisionmaking is guided by a cost-benefit approach, which offers the international community opportunities to influence Tehran. Iranian leaders

undoubtedly consider Iran's security, prestige and influence, as well as the international political and security environment, when making decisions about its nuclear program.

That is as far as I can go in discussing Iran's nuclear program at the unclassified level. In my classified statement for the record, I have outlined in further detail the Intelligence Community's judgments regarding Iranian nuclear-related activities, as well as its chemical and biological-weapons activities and refer you to that assessment.

Iran's growing inventory of ballistic missiles and its acquisition and indigenous production of anti-ship cruise missiles (ASCMs) provide capabilities to enhance its power projection. Tehran views its conventionally armed missiles as an integral part of its strategy to deter—and if necessary retaliate against—forces in the region, including US forces. Its ballistic missiles are inherently capable of delivering WMD, and if so armed, would fit into this same strategy.

North Korean WMD and Missile Programs

Pyongyang's nuclear weapons and missile programs pose a serious threat to the security environment in East Asia. North Korea's export of ballistic missiles and associated materials to several countries including Iran and Pakistan, and its assistance to Syria in the construction of a nuclear reactor, exposed in 2007, illustrate the reach of the North's proliferation activities. Despite the Six-Party October 3, 2007 Second Phase Actions agreement in which North Korea reaffirmed its commitment not to transfer nuclear materials, technology, or know-how we remain alert to the possibility North Korea could again export nuclear technology.

The North's October 2006 nuclear test was consistent with our longstanding assessment that it had produced a nuclear device, although we judge the test itself to have been a partial failure based on its less-than-one-kiloton TNT equivalent yield. The North's probable nuclear test in May 2009 supports its claim that it has been seeking to develop weapons, and with a yield of roughly a few kilotons TNT equivalent, was apparently more successful than the 2006 test. We judge North Korea has tested two nuclear devices, and while we do not know whether the North has produced nuclear weapons, we assess it has the capability to do so. It remains our policy that we will not accept North Korea as a nuclear weapons state, and we assess that other countries in the region remain committed to the denuclearization of North Korea as has been reflected in the Six Party Talks.

After denying a highly enriched uranium program since 2003, North Korea announced in April 2009 that it was developing uranium enrichment capability to produce fuel for a planned light water reactor (such reactors use low enriched uranium); in September it claimed its enrichment research had "entered into the completion phase". The exact intent of these announcements is unclear, and they do not speak definitively to the technical status of the uranium enrichment program. The Intelligence Community continues to assess with high confidence North Korea has pursued a uranium enrichment capability in the past, which we assess was for weapons.

Pyongyang's Conventional Capabilities. Before I turn the North Korean nuclear issue, I want to say a few words regarding the conventional capabilities of the Korea People's Army

(KPA). The KPA's capabilities are limited by an aging weapons inventory, low production of military combat systems, deteriorating physical condition of soldiers, reduced training, and increasing diversion of the military to infrastructure support. Inflexible leadership, corruption, low morale, obsolescent weapons, a weak logistical system, and problems with command and control also constrain the KPA capabilities and readiness.

Because the conventional military capabilities gap between North and South Korea has become so overwhelmingly great and prospects for reversal of this gap so remote, Pyongyang relies on its nuclear program to deter external attacks on the state and to its regime. Although there are other reasons for the North to pursue its nuclear program, redressing conventional weaknesses is a major factor and one that Kim and his likely successors will not easily dismiss.

Six Party Talks and Denuclearization. In addition to the TD-2 missile launch of April 2009 and the probable nuclear test of May 2009, Pyongyang's reprocessing of fuel rods removed from its reactor as part of the disablement process appears designed to enhance its nuclear deterrent and reset the terms of any return to the negotiating table. Moreover, Pyongyang knows that its pursuit of a uranium enrichment capability has returned that issue to the agenda for any nuclear negotiations. The North has long been aware of US suspicions of a highly enriched uranium program.

We judge Kim Jong-Il seeks recognition of North Korea as a nuclear weapons power by the US and the international community. Pyongyang's intent in pursuing dialogue at this time is to take advantage of what it perceives as an enhanced negotiating position, having demonstrated its nuclear and missile capabilities.

Afghanistan

Status of the Insurgency

The Afghan Taliban-dominated insurgency has become increasingly dangerous and destabilizing. Despite the loss of some key leaders, insurgents have adjusted their tactics to maintain momentum following the arrival of additional US forces last year. We assess the Taliban was successful in its goal of suppressing voter turnout in the August elections in key parts of the country.

Since January 2007, the Taliban has increased its influence and expanded the insurgency outside the Pashtun belt, while maintaining most of its strongholds. The Taliban's expansion of influence into northern Afghanistan since late 2007 has made the insurgency a countrywide threat. As it has done elsewhere, the Taliban conducts military operations, shadow governance activities, and propaganda campaigns to solidify support among the populace and eliminate resistance to its presence. I refer you to my classified statement for a more detailed discussion of IC analysis of Taliban influence.

The insurgency also has increased the geographic scope and frequency of attacks. Taliban reactions to expanded Afghan and International Security Assistance Force (ISAF) operations

account for some of the increase, but insurgents also have shown greater aggressiveness and undertaken more lethal tactics.

This lack of security in many areas coupled with a generally low government capacity and competency has hampered efforts to improve governance and extend development. Afghan leaders also continue to face the eroding effects of official corruption and the drug trade, which erode diminish public confidence in its already fragile institutions.

Afghan Taliban-al-Qa'ida Links

Al-Qa'ida activity in Afghanistan increased steadily from the beginning of 2006 until early 2009. Nevertheless, the group's manpower contribution to the insurgency in Afghanistan is likely to remain modest because the group's core leadership in Pakistan continues to dedicate resources to planning, preparing, and conducting terrorist operations in Pakistan, the US, Europe, and on other fronts.

We assess al-Qa'ida's ability to operate in Afghanistan largely depends on the relationship between al-Qa'ida operatives and individual Taliban field commanders. Al-Qa'ida fighters rely heavily on Taliban guides to facilitate their movement, lodging, and safety while operating in unfamiliar terrain among a non-Arab population. Al-Qa'ida last year fielded at any one time less than 100 fighters in Afghanistan, while the Taliban has thousands of fighters in Afghanistan. However, this number does not include groups of associated foreign fighters operating inside Afghanistan concurrently and at-times cooperatively with al-Qa'ida.

- We assess that Taliban Supreme Leader Mullah Omar remains committed to supporting al-Qa'ida and elements within the Taliban continue to cooperate with the group in Afghanistan. Nonetheless, al-Qa'ida's efforts to work with Pakistan-based militants to sustain their terror campaign in Pakistan's settled areas is adding strains to al-Qa'ida's relations with the Afghan Taliban leadership.

The safehaven that Afghan insurgents have in Pakistan is the group's most important outside support. Disrupting that safehaven will not be sufficient by itself to defeat the insurgency, but disruption of the insurgent presence in Pakistan is a necessary condition of making substantial counterinsurgency progress. In my classified statement for the record I have outlined in more detail our assessment of the situation regarding Afghanistan-oriented insurgents in Pakistan.

Security Force and Governance Challenges

Against the backdrop of Afghanistan's increasingly dangerous and destabilizing insurgency, continued progress has been made in expanding and fielding the Afghan National Army (ANA) but the shortage of international trainers in the field, high operational tempo, attrition, and absenteeism hamper efforts to make units capable of significant independent action. The Afghan National Police (ANP) has received less training and resources than the Army and is beset by high rates of corruption and casualties and absenteeism. Limitations to the ANP's training, mentoring, and equipping, as well as to the abilities of a force trained to "hold" territory in those large parts of the country that have not been effectively "cleared" hinder its progress and effectiveness. The Ministry of Interior has also remained largely ineffective. We judge the

ANA has a limited but growing capability to plan, coordinate, and execute counterinsurgency operations at the battalion level. It still requires substantial Coalition support in logistics, training, combat enablers, and indirect fire.

In 2010, as we, our NATO Allies, other coalition partners, and our Afghan partners increase efforts on the security front, Kabul must work closely with the national legislature and provincial and tribal leaders to establish and extend the capacity of the central and provincial governments. The country faces a chronic shortage of resources and of qualified and motivated government officials at the national and local level. In addition, continued insecurity undercuts the population's perceptions of the national government's long term prospects to either win the war, or to persuade tribal and other influential non-state actors to remain neutral or back insurgents.

Kabul's inability to build effective, honest, and loyal provincial and district level institutions capable of providing basic government services and enabling sustainable, legal livelihoods erodes its popular legitimacy and has contributed to the influence of local warlords and the Taliban. The Afghan Government established the Independent Directorate of Local Governance (IDLG) in 2007 to address governance shortcomings at the provincial and district level; but the IDLG's efforts to improve governance have been hamstrung by a shortage of capable government administrators.

Many Afghans perceive the police to be corrupt and more dangerous than the Taliban. The inflow of international funding connected to the international military presence and international reconstruction assistance has brought benefits but also has increased the opportunities for corrupt officials to profit from the counterinsurgency and stabilization efforts in the country. The drug trade has a debilitating effect on the government's legitimacy, as criminal networks cooperate with insurgents and corrupt officials in ways that decrease security and the average Afghan's confidence that he will be treated fairly by the authorities.

Status of the Afghan Drug Trade

The insidious effects of drug-related criminality continue to undercut the government's ability to assert its authority outside of Kabul, to develop a strong, rule-of-law based system, and to rebuild the economy. High wheat prices, low opium prices, and provincial-government-led efforts reduced poppy cultivation in Afghanistan to 131,000 hectares in 2009, down 17 percent from the 157,300 hectares cultivated in 2008. Potential opium production fell only 4 percent, however, to 5,300 metric tons, because good weather following a drought in 2008 increased yields. Potential heroin production is estimated at 630 metric tons, if the entire opium crop were processed.

- High wheat prices and low opium prices during the planting season in fall 2008 encouraged farmers to grow more wheat at the expense of poppy. Wheat prices were nearly three times higher than normal, driven by countrywide food production shortfalls, globally high prices for wheat, and a partial ban on wheat imports by Pakistan, Afghanistan's main wheat trading partner. Opium prices have been on a downward trend since 2004, most likely because of continued overproduction.

Recent price trends may lead to a larger poppy crop this year. Wheat prices have dropped by half since the fall 2008 planting season in response to an abundant Afghan wheat harvest last year and global price declines, reducing the profitability of wheat and probably making the crop less desirable than poppy to farmers. However, aggressive governor-led anti-poppy campaigns in some provinces and continued low opium prices caused by persistent overproduction may nevertheless convince some farmers—who are now planting next year's crop—to grow wheat and other licit crops instead of poppy.

- The Afghan Taliban in 2008 received up to $100 million in opium, cash, and goods and services from the opiate trade in Afghanistan, making the opiate trade the most important source of funding from inside Afghanistan for the Taliban-dominated insurgency.

International Support to Afghanistan

NATO remains committed to supporting ISAF's mission in Afghanistan and Allies agree building the Afghan National Security Forces (ANSF) is key to Afghanistan's long-term stability. Allies concentrated in the south and east—the United Kingdom, France, Canada, Poland, Australia, Denmark, Romania, Estonia, Lithuania ,and the Netherlands—conduct the bulk of the kinetic counterinsurgency operations. ISAF partners have been under increasing pressure in the north, where Berlin has remained committed to supporting training efforts. Operational limitations inhibit the ability of other Allies to make lasting improvements to the security situation, yet key allies have the capacity to make new contributions to the ISAF mission. After the release of the US Afghanistan-Pakistan strategy and the NATO Summit in spring 2009, Allies and partners deployed more than 3,000 additional troops to Afghanistan—primarily for election security, force protection, and training of Afghan forces. After the President's 1 December West Point speech, NATO Allies and other ISAF partners pledged approximately 7,000 troops, including the long-term extension of many of the temporary deployments to support the August 2009 Afghan presidential election.

Pakistan: Turning Against Domestic Extremists

Pakistan-based militant groups and al-Qa'ida are coordinating their attacks inside Pakistan despite their historical differences regarding ethnicity, sectarian differences, and strategic priorities. This tactical coordination across militant networks probably is increasing and is an important factor in the increase in terrorist attacks in Pakistan. We judge that this increase along with the growing "Talibanization" outside of the FATA have made the Pakistani public more concerned about the threat from Pakistan-focused Islamic extremists and more critical of al-Qa'ida, and Pakistanis may be more likely to continue to support efforts to use military force against the extremists.

- According to the Pew Global Attitudes Project, the percentage of Pakistani respondents expressing favorable views of al-Qa'ida declined over the past year from 25 to 9 percent, while those with an unfavorable view increased from 34 to 61 percent. Similarly, respondents expressing favorable views of the Taliban declined from 27 to 10 percent while unfavorable opinions increased from 33 to 70 percent.

On the other hand, despite robust Pakistani military operations against extremists that directly challenge Pakistani government authority, Afghan Taliban, al-Qa'ida, and Pakistani militant groups continue to use Pakistan as a safehaven for organizing, training, and planning attacks against the United States and our allies in Afghanistan, India, and Europe.

Mixed Efforts Regarding Insurgents and Terrorists

Islamabad has demonstrated determination and persistence in combating militants it perceives dangerous to Pakistan's interests, particularly those involved in attacks in the settled areas, including FATA-based Tehrik-e Taliban Pakistan (TTP) and al-Qa'ida and other associated operatives in the settled areas. However, it still judges it does not need to confront groups that do not threaten it directly and maintains historical support to the Taliban. Pakistan has not consistently pursued militant actors focused on Afghanistan, although Pakistani operations against TTP and similar groups have sometimes temporarily disrupted al-Qa'ida. Simultaneously, Islamabad has maintained relationships with other Taliban-associated groups that support and conduct operations against US and ISAF forces in Afghanistan. It has continued to provide support to its militant proxies, such as Haqqani Taliban, Gul Bahadur group, and Commander Nazir group.

- Indeed, as is well known, the al-Qa'ida, Afghan Taliban, and Pakistani militant safehaven in Quetta, the FATA, and the NWFP is a critical safehaven for the insurgency and will continue to enable the Afghan insurgents and al-Qa'ida to plan operations, direct propaganda, recruiting and training activities, and fundraising activities with relative impunity. Substantially reducing the ability of insurgents to operate in Pakistan would not, by itself, end the insurgency in Afghanistan. Pakistan safehaven is an important Taliban strength, and unless it is greatly diminished, the Taliban insurgency can survive defeats in Afghanistan.

That said, Islamabad's poor capabilities to counter the safehavens are improving. Since April Pakistan has allocated significantly more resources and conducted an aggressive campaign to deal with security threats to the settled areas. Nonetheless, Islamabad struggles to assemble effective capabilities for holding and policing cleared areas, delivering public services, and devising an effective system to prevent militant reoccupation of population centers.

Islamabad's conviction that militant groups are an important part of its strategic arsenal to counter India's military and economic advantages will continue to limit Pakistan's incentive to pursue an across-the-board effort against extremism. Islamabad's strategic approach risks helping al-Qa'ida sustain its safehaven because some groups supported by Pakistan provide assistance to al-Qa'ida.

Pakistan's Counterinsurgency (COIN) Improvement. We judge that the actions of senior Pakistani military leaders and the support provided by civilian leaders will continue to drive Islamabad's COIN performance. While much work needs to be done, improved COIN effectiveness over the past year—Islamabad has conducted more sustained operations that have driven militants from major roads and towns in the northern tribal areas and the Malakand region of the NWFP and the Mehsud tribal areas in South Waziristan—has been due to the following factors:

- *A more effective senior leadership* that has rebuilt the Frontier Corp's morale, ensured its units perform better in combat, and identified long-term training, pay, leadership development, facilities, personnel policies, and equipment needs.

- *More military resources deployed* against militancy in western Pakistan—Pakistan has significantly increased the number of military forces operating against militants in the NWFP.

- *Stronger public and political support for military efforts* to reverse the successes militants achieved in the Malakand region in early 2009.

Political Difficulties

Pakistan will continue to be troubled by terrorist violence, extreme partisanship, regional and ethnic groups bent on asserting their interests against Islamabad, and popular discontent with economic conditions.

- Pakistani Taliban insurgents who attempted unsuccessfully to expand their territorial influence outside of the tribal areas in early 2009 are not defeated and most likely will continue to mount other efforts to challenge the Pakistani state outside these areas. These efforts will continue to include costly terrorist attacks on government and civilian targets in Pakistani cities. In the last three months of 2009, as Pakistan mounted new operations against the TTP stronghold in South Waziristan, Pakistan-based extremists and al-Qa'ida conducted at least 40 suicide terrorist attacks in major cities, killing about 600 Pakistani civilians and security force personnel. Al-Qa'ida, with the assistance of its militant allies, is trying to spark a more aggressive indigenous uprising against the government as it seeks to capitalize on militant gains and reorient Pakistan toward its extremist interpretation of Islam.

Pakistan's Economic Situation

The global financial crisis and the insurgency, coupled with domestic economic constraints and long-term underfunding of social sectors, reduced Pakistan's economic growth to 2 percent in 2008–2009. Political turmoil and growing insurgent and terrorist violence in Pakistan since early 2007 contributed to foreign capital flight. Net foreign investment in Pakistan fell by 38 percent last fiscal year compared to the previous year, according to Pakistani central bank statistics, mainly because of a large decline in portfolio investment. Rising food prices and electricity shortages have made economic problems a major focus for popular discontent. The Pakistani Government is focusing intently on obtaining short-term benefits relief—largely through external assistance—while neglecting the concurrent need for longer-term investment. Islamabad will need to implement politically difficult reforms to address debt sustainability—including cutting government spending, eliminating electricity tariffs, and boosting revenues—if it is to put its economic house in order and avoid a new economic crisis. The government has begun to implement some of those reforms by increasing electricity prices.

The international community and international financial institutions remain generally willing to assist Pakistan, though many individual donors have not fulfilled their aid pledges from the April 2008 Tokyo conference. The IMF disbursed $1.2 billion to Pakistan at the end of

December. This was the fourth tranche of Pakistan's IMF-backed loan and brought the total funds received by Pakistan under the Standby Arrangement to $6.5 billion.

The longer term challenge to Pakistan is a policy framework that sets the economy on a more sound footing derived from a broader tax base, better transparency in government expenditures, more job opportunities and effective poverty alleviation measures, support for investment in the power sector, and education initiatives that improve Pakistan's ability to attract foreign investment and participate in the global economy.

India

As one of the engines of the global economy, India continues to demonstrate the potential for strong growth in 2010. Indian Government data show that net portfolio inflows for the first half of the Indian fiscal year (which began on 1 April 2009) were almost $18 billion—market signals that India, under Prime Minister Singh's leadership, remains an attractive location for investment and economic opportunities. World Bank reporting from December 2009 also confirms that India is likely to return to 8 to 9 percent GDP growth rates within the next two years.

In keeping with its status as an emerging world power, the Government of India exerts strong leadership in global and regional fora and in important bilateral relationships. In multilateral groupings such as the G-20 and the Copenhagen Conference on Climate Change, India has reaffirmed its support for various strategic outcomes participating nations hope to achieve in specific negotiations, even though India's near- to mid-term negotiating positions are reflective of unilateral targets and goals. India's recent decision to participate in the April 2010 Global Security Summit signals a continuation of this trend, as New Delhi is likely to pursue longer-terms goals to diminish the numbers and role of nuclear weapons in global security even as the country remains steadfast in its refusal to sign the nuclear Nonproliferation Treaty.

Since its return to power in the May 2009 national elections, the UPA-led government also has begun efforts to improve regional relationships through advocacy of greater economic links among South Asian Association for Regional Cooperation (SAARC) nations and successful bilateral meetings such as the January 2010 State Visit to India by Bangladesh Prime Minister Sheikh Hassina. Indian political leaders, moreover, have publicly declared that the continuing rise of China and India on the global political and economic stages is not a harbinger of automatic conflict, but rather a constructive challenge to India's economic rise and an opportunity for innovation and collaboration by two strong powers. During his November 2009 State Visit to the US, Prime Minister Singh noted that the world should "prepare for the rise of China as a major power," referencing ongoing territorial disputes between the two countries, for example, but also stating that engagement with China was the "right strategy" for India.

India's relationship with Pakistan, however, remains stalled in the aftermath of the November 2008 terrorist attacks on Mumbai conducted by groups operating from Pakistani soil. Indian leaders have stated repeatedly that Pakistani efforts to prosecute those individuals who are charged with involvement in the attack are the sine qua non for resuming broad dialogue with Pakistan on other significant bilateral issues, including Kashmir. Prime Minister Singh has also

publicly reaffirmed two additional, critical points vis-à-vis Pakistan: that India does not want to see the country fail, and that Pakistan is engaged in efforts to combat the Taliban operating on Pakistani territory.

New Delhi sees a stable, friendly Afghanistan as crucial to India's security, but takes a measured approach to its assistance to Kabul. Indian leaders have underscored their desire to help reestablish a viable civil society in Afghanistan under a strong democratic government that is representative of all ethnic groups in Afghanistan. New Delhi is implementing bilateral civilian assistance programs and reconstruction aid that total approximately $1.2 billion and probably interprets recent public polling in Afghanistan which indicates that Afghan citizens are favorably disposed towards India's role in country as a positive endorsement of Indian activities to date. India's open assistance programs to date provide only non-combat aid, although there is some discussion in the media about the fact that India is interested in providing more training to Afghan security forces on a cost-effective basis as part of its human capacity building programs. The Government of Pakistan, however, remains concerned that India is using its presence in Afghanistan as a cover for actions that may be destabilizing to Pakistan itself.

Mixed Outlook Middle East

Iraq: Security, Political, and Economic Trends

The positive security trends in Iraq over the past year have endured and overall violence remains at its lowest level since 2003. Although there have been periodic spikes in attacks, terrorist and insurgent groups have not been able to achieve their objectives of reigniting ethno-sectarian tensions or paralyzing the Iraqi Government and we assess they will unlikely be able to do so in the future for three primary reasons:

- First, al-Qa'ida in Iraq's financial struggles, difficulty recruiting new members, and continued Sunni rejection of the group will limit AQI's capacity to undermine the Government of Iraq or gain widespread Sunni Arab support to establish an Islamic Caliphate. Despite its setbacks, we judge that AQI in Iraq will remain committed to conducting attacks into the foreseeable future. Meanwhile, Sunni Arab insurgents lack the cohesion to threaten the Iraqi central government, and we judge the Sunni Arab insurgency will weaken without the US presence as a common motivating factor.

- Second, the Iraqi Government and society have shown great resilience in the face of AQI attacks. Despite high-profile bombings of government buildings in 2009, we did not see any indications of impending communal conflict—such as retaliatory violence, the reappearance of neighborhood militias, or hardened sectarian rhetoric—that followed mass-casualty bombings in 2006.

- Finally, the Iraqi Security Forces (ISF) continue to improve tactical proficiency and operational effectiveness and have maintained security in most urban areas following the 30 June repositioning of US forces out of Iraq's cities.

Although we judge Iraq will be able to maintain a generally secure path, this forecast is dependent on the next government's effective management of Arab-Kurd tensions, continued progress in integrating the Sunni Arabs into the political process, and the ability of the ISF to combat threats to the state. Two key events in 2010—the March 2010 parliamentary elections and the August 2010 withdrawal of US combat forces—will be important indicators of the new government's ability to adapt, as well as manage and contain, conflict.

Arab-Kurd tensions have potential to derail Iraq's generally positive security trajectory, including triggering conflict among Iraq's ethno-sectarian groups. Many of the drivers of Arab-Kurd tensions—disputed territories, revenue sharing and control of oil resources, and integration of peshmerga forces—still need to be worked out, and miscalculations or misperceptions on either side risk an inadvertent escalation of violence. US involvement—both diplomatic and military—will remain critical in defusing crises in this sphere.

The pace of the insurgency's decline will depend largely on Sunni Arab reconciliation with the government, economic opportunities, and whether Sunni expectations for national elections are met. An emboldened, Shia-dominated government that is perceived to back oppressive policies against Sunni Arabs would lead Sunni Arabs to reconsider violence as an effective means to achieve their goals.

Iran continues to train, equip, and fund select Iraqi Shia militant groups to maintain pressure on US forces. The most dangerous of these groups will likely continue attacks on Coalition forces until withdrawal from Iraq is complete.

While the ISF remain in the lead for security operations in urban areas following the 30 June US forces' repositioning out of Iraq's cities and are conducting the majority of counterinsurgency operations independently, they are still developing enabler capabilities including logistics, intelligence, surveillance and reconnaissance.

On the **political front**, Iraqi politicians are actively engaged in campaigning and coalition building ahead of the national legislative election slated for March. In a positive development, politicians from all Iraqi parties responded to the perceived message of the January 2009 provincial returns by working to form cross-sectarian coalitions, but several outstanding issues in the electoral process remain. Recent attempts to disqualify candidates and parties intending to compete in the March elections along with ongoing ethno-sectarian tensions may end up complicating the prospects for a transparent and broadly accepted electoral process. Difficulties in ratifying the election law last fall signal the potential for post-election challenges to its legitimacy by disgruntled or disenfranchised parties.

Iraqi parties and coalitions after the elections are likely to face protracted negotiations to form a government, complicated by constitutionally mandated institutional changes. After the election, Iraqi leaders also will have to address the Constitution's mandate to replace the current presidency structure of one president and two vice presidents, each bearing veto power, with a single president.

Iraq's overall economic performance is likely to remain mixed. Iraq has finalized one oil contract and is set to conclude nine others with international consortiums to expand the development of some of its largest oilfields. These contracts hold the potential to create many thousands of new jobs in Iraqi oil and non-oil sectors and to stimulate economic growth. The oil companies' proposed production increase to 12 million bpd in roughly a decade from the present 2.4 million bpd will be difficult to achieve, however, because of infrastructure and institutional constraints.

- Iraq's 2010 budget proposes to raise capital spending by 60 percent, with increases for the ministries of oil, electricity, water, minerals, health and education. However, Iraq is likely to continue struggling in the near term to attract the foreign investment it needs for re-building infrastructure and economic growth in the non-oil sector. Job creation will remain a significant challenge for the foreseeable future given the country's heavy reliance on the oil sector, which is a source of a limited number of jobs.

The IMF's most recent estimates project real GDP growth for 2010 to be in the 5 to 6 percent range. Inflation continues to subside, declining to roughly 5 percent as of November 2009 from roughly 13 percent in November 2008.

Iran: Growing Authoritarianism and Efforts to Expand its Regional Influence

The Iranian Government faced a major political challenge last summer when a widespread perception of fraud during the June presidential election provoked large-scale popular demonstrations and infighting among regime elites. Conservative hardliners reacted by cracking down on protestors and regime opponents, and hardliners now are using the crisis and its aftermath to further consolidate their power. Despite Iran's internal turmoil, we judge that Tehran's foreign policy will remain relatively constant—driven by a consistent set of goals—and that its efforts to expand its regional influence and ongoing support for terrorist and militant groups will continue to present a threat to many countries in the Middle East and to US interests.

Iran's political crisis has widened splits in the country's political elite and undercut the regime's legitimacy. Although Iranian politics remain in flux, Supreme Leader Khamenei, President Ahmadi-Nejad, and their hardline conservative allies are likely to focus over the next year on consolidating their power.

- Strengthened conservative control will limit opportunities for reformers to participate in politics or organize opposition. The regime will work to marginalize opposition elites, disrupt or intimidate efforts to organize dissent, and use force to put down unrest.

Iran's economic performance has been hurt by softening oil prices and longstanding Iranian policies that discourage the private sector and foreign investment, but the economy is not in crisis. Iran's economy is heavily dependent on oil—hydrocarbons provide 80 percent of its foreign exchange revenue, making Tehran vulnerable to downturns in oil prices. Nonetheless, Iran maintains foreign currency reserves to hedge against a moderate fall in oil prices. International sanctions and pressure have aggravated Iran's economic woes by disrupting and

increasing the cost of international business, slowing some projects and programs, and contributing to Iran's economic slowdown.

- Iran has made contingency plans for dealing with future additional international sanctions by identifying potential alternative suppliers of gasoline—including China and Venezuela. Tehran also has resorted to doing business with small, non-Western banks and dealing in non-US currency for many financial transactions. Iranian opposition press has reported the involvement of the Revolutionary Guard and Iranian intelligence in the smuggling of crude oil as a way of both skirting and profiting from sanctions. Despite these activities and Iran's gasoline subsidy cuts, which could in part serve to mitigate some effects of the embargo, we nonetheless judge that sanctions will have a negative impact on Iran's recovery from its current economic slowdown.

Iran's overall approach to international affairs probably will remain relatively constant and will continue to be driven by longstanding priorities of preserving the Islamic regime, safeguarding Iran's sovereignty, defending its nuclear ambitions, and expanding its influence in the region and the Islamic world. We judge Iran's influence and ability to intervene in the region will remain significant and that it will continue to support terrorist and militant groups to further its influence and undermine the interests of Western and moderate regional states.

In Iraq, we expect Iran will focus on building long-term influence by trying to ensure the continued political dominance of its Shia allies, expand Iran's political and economic ties to Iraq, and limit Washington's influence. We assess Tehran continues to train, equip, and fund select Iraqi Shia militant groups.

In Afghanistan, Iran is providing political and economic support to the Karzai government, developing relationships with leaders across the political spectrum, and providing lethal aid to elements of the Taliban to block Western—especially US—entrenchment in the country. Tehran likely will continue to provide reconstruction, humanitarian, and economic initiatives intended to bolster Afghan stability. Iran also will seek to expand its influence at the expense of the United States and other competitors, and to work with Kabul on border security and counternarcotics initiatives.

In the Levant, Tehran is focused on building influence in Syria and Lebanon and expanding the capability of key allies. Tehran continues to support groups such as Hizballah, HAMAS, and the Palestinian Islamic Jihad (PIJ), which it views as integral to its efforts to challenge Israeli and Western influence in the Middle East.

- Hizballah is the largest recipient of Iranian financial aid, training, and weaponry, and Iran's senior leadership has cited Hizballah as a model for other militant groups. Iran also provides training, weapons, and money to HAMAS to bolster the group's ability and resolve to maintain its armed resistance to Israel and opposition to Israeli-Palestinian peace negotiations.

Syria

Bashar al-Asad has strengthened his hold on power in Syria since becoming President in June 2000, and his standing has been augmented by his perceived success in weathering regional crises and international pressure, and by the regime's ability to highlight Syria's relative insulation from violence in Iraq. Within Syria, Asad has preserved the pillars of regime control established by his father while gradually using personnel turnover to appoint loyalists and expand his power base.

- Syrian leaders continue to exploit "resistance" to Israel and rejection of US pressure to unify Syrians in support of the regime, despite broad dissatisfaction with economic conditions, some disappointment at the lack of political reforms, and quiet resentment by the Sunni majority at domination by the Alawi minority.

- Damascus remains generally uncooperative with the IAEA investigation of its covert nuclear efforts following the destruction of its secret nuclear reactor in September 2007. Syria also maintains a chemical weapons programs and an active missile program, with some missiles that can reach 700 kilometers.

The Syrian regime continues to wield significant influence in Lebanon, arming and funding its allies, while simultaneously taking steps toward normal state to state relations.

Syrian relations with the Maliki government in Iraq remain strained following Baghdad's accusation that Syrian-based Ba'thists are behind the 2009 bombings of several government ministries there. Overall we assess that Damascus will continue to seek improved political and economic ties to Baghdad, while also permitting foreign fighters, Ba'thists, and other Sunni oppositionists to transit or operate within Syria. Damascus probably will, however, act against terrorist and foreign fighter elements it perceives as a threat to the Asad regime.

Yemen

Yemen faces a number of security, political, economic, and humanitarian challenges including the activity of Yemen-based al-Qa'ida in the Arabian Peninsula, the Huthi insurgency in the North, rising southern secessionist activity, and a weak economy. Yemen's declining oil reserves also threaten to reduce the government's main source of revenue. Several regional states worry that a faltering Yemen could become a source of regional instability. I discuss Yemen more fully in my classified statement.

Israeli-Palestinian Peace Dynamics

Israel and the Palestinians endorse a negotiated two-state solution to the conflict, but have very different concepts of this formula and how it should be implemented. Palestinians want Israel to freeze settlement construction, including in East Jerusalem, as a precondition to final-status negotiations.

Israel is pressing the Palestinians to resume peace talks immediately and is observing a 10-month moratorium on new settlement construction that excludes East Jerusalem. Israel has refused to deal with HAMAS until it meets the Quartet conditions, which are to recognize

Israel's right to exist, forswear violence, and agree to abide by previous Israeli-Palestinian agreements. Israeli Prime Minister Netanyahu has advocated steps to improve the quality of life for West Bank Palestinians by enhancing economic development and easing security restrictions, but Gaza remains isolated.

- The ability of HAMAS and other Palestinian groups to act as spoilers is complicating the process. Palestinian reconciliation talks brokered by Egypt remain deadlocked.

Continuing stagnation in the negotiations process could undercut Palestinian support for a two-state approach, although these proposals for now remain at the rhetorical stage. Frustration over the stalemate has prompted some Palestinians to argue in favor of equal rights within a single state that would encompass Israel, the West Bank and the Gaza Strip.

Palestinian Authority President Abbas, whose threat to resign has created a stir among Fatah, the PA, the PLO, and the international community, has been asked to stay on as President. Abbas has postponed presidential and legislative elections slated for 2010 because of HAMAS' refusal to participate.

Prospects for Israeli-Syrian Peace Talks

Since Prime Minister Netanyahu assumed office in March 2009, Syria has stated its preference for resuming talks where they left off with the Olmert government, incorporating the informal understandings reached during those talks. Israel says it would enter direct talks "with no preconditions." Damascus continues to seek a full Israeli withdrawal from the Golan Heights, a position to which the Netanyahu government is unwilling to commit ahead of negotiations.

China's Continuing Transformation

China's international profile rose over the past year, partly because of Beijing's response to the global economic crisis. Notwithstanding some stresses and potentially troublesome long-term effects inside China, Beijing became a more prominent regional and emerging global player as the international community sought to recover from the crisis. After devoting considerable resources toward sustaining its own economy—including a $600 billion stimulus package and more than $1.4 trillion in new lending by banks in 2009—China assumed a central role in the G-20 and has served as one of the key engines for global recovery, reinforcing perceptions of its increasing economic and diplomatic influence.

China's growing international confidence and activism has been fueled in part by the success of its own economic recovery to date, and has been partly reflected in greater Chinese cooperation with the United States and other countries in several areas. For example, last year Beijing contributed to the G-20's pledge to increase IMF resources, deployed naval forces to the international antipiracy operation in the Gulf of Aden, and supported new UN Security Council sanctions against North Korea. Beijing has tempered its cooperation, however, in areas where China views its interests or priorities as different from ours, such as on Iran.

In addition its pursuit of international status and influence, Beijing's foreign policy—especially its engagement with the developing world—is still heavily driven by the imperative of sustaining growth at home by securing energy supplies and other key commodities and cultivating access to markets and capital abroad. This focus, however, has generated accusations of poor labor and environmental practices abroad and predatory trade practices—and has revealed the limits to the success of its charm offensive around the world. Beijing's commercial interests also limit its readiness to cooperate with Washington in dealing with such countries as Iran and Sudan.

Behind its external ambitions and increasing international activism, China's core priority remains ensuring domestic stability. More fundamentally, Chinese leaders are intensely focused on shoring up public support for the Communist Party and its policies. President Hu's ability to reinvigorate his efforts to balance fast economic growth with more equitable development, and to enhance the Party's legitimacy, will depend on several variables, especially the sustainability of China's economic recovery. Succession politics also will begin affect leadership decisionmaking in 2010.

In contrast to recent years, cross-Strait relations are relatively stable and positive, with Beijing and Taipei having made major progress on economic deals and Taiwan's involvement in some international organizations. Nevertheless, the military imbalance continues to grow further underscoring the potential limits to cross-Strait progress.

People's Liberation Army Modernization

Preparation for a Taiwan conflict continues to dominate PLA modernization and contingency plans and programs, and is likely to remain the driving factor at least through 2020. However, China's international interests have expanded, Beijing has contemplated whether and how to expand the People's Liberation Army's (PLA) international role to protect and promote those interests. The leadership increasingly sees nontraditional military missions, such as humanitarian relief and peacekeeping operations, as appropriate to China's great power status as a way to demonstrate its commitment to the international system. This reflects both a perceived need and an opportunity: the need to protect China's interests and access to resources and sea lines of communications (SLOCs), and the opportunity to enhance China's global stature through involvement in activities such as humanitarian relief and peacekeeping operations. The PLA, however, will resist participation in missions that it sees as US-dominated or focused on achieving US objectives.

The PLA's capabilities and activities in four key areas pose challenges to its neighbors and beyond Taiwan , including China's military relationships across the developing world; China's aggressive cyber activities; its development of space and counterspace capabilities; and its expansive definition of its maritime and air space with consequent implications for restricted freedom of navigation for other states. The PLA is already demonstrating greater confidence and activism in such areas as asserting China's sovereignty claims and in military diplomacy.

Important PLA modernization programs include: ballistic and cruise missile forces capable of hitting foreign military bases and warships in the western Pacific; anti-satellite (ASAT) and

electronic warfare weapons to defeat sensors and information systems; development of terrestrial and space-based, long-range intelligence, surveillance, and reconnaissance systems to detect, track, and target naval, air, and fixed installations; and continuing improvements to its increasingly capable submarines to place naval surface forces at risk. Many of these programs have begun to mature and improve China's ability to execute an anti-access and area-denial strategy in the Western Pacific.

Outlook for Russia

The role Moscow plays regarding issues of interest to the United States is likely to turn on many factors, including developments on Russia's periphery and the degree to which Russia perceives US policies as threatening to what its leadership sees as vital Russian interests.

There have been encouraging signs in the past year that Russia is prepared to be more cooperative with the United States, as illustrated by President Medvedev's agreement last summer to support air transit through Russia of lethal military cargo in support of coalition operations in Afghanistan and Moscow's willingness to engage with the United States on constructive ways to reduce the nuclear threat from Iran. I remain concerned, however, that Russia looks at relations with its neighbors in the former Soviet space—an area characterized by President Medvedev as Russia's "zone of privileged interests"—largely in zero-sum terms, vis a vis the United States, potentially undermining the US-Russian bilateral relationship. Moscow, moreover, has made it clear it expects to be consulted closely on missile defense plans and other European security issues.

On the domestic front, Moscow faces tough policy choices in the face of an uptick in violence in the past year in the chronically volatile North Caucasus, which is fueled in part by a continuing insurgency, corruption, organized crime, clan competition, endemic poverty, radical Islamist penetration, and a lagging economy that is just beginning to recover from the global economic crisis. Some of the violence elsewhere in Russia, such as a deadly train bombing in late November 2009, may be related to instability in the North Caucasus.

In addressing nationwide problems, Medvedev talks about Russia's need to modernize the economy, fight corruption, and move toward a more rule-of-law-based and pluralistic political system, but he faces formidable opposition within the entrenched elite who benefit from the status quo. Turbulence in global energy markets was a painful reminder to Moscow of the Russian economy's overdependence on energy, dramatizing the need for constructive steps toward economic modernization and diversification. However, moving forward on issues such as reforming Russia's state corporations or creating conditions more conducive to foreign investors could produce a backlash by those forces who might lose from competition.

The Military Picture

Russia continues to rely on an array of strategic and non-strategic nuclear forces, advanced aerospace defenses, and asymmetric capabilities as the military component of its security strategy. Russia is now implementing its most serious military reform plans in half a century and ultimately aims to shed the legacy of the Soviet mass mobilization army and create a leaner,

more professional, more high-tech force over the next several years. Reform faces challenges from negative demographic trends, institutionalized corruption, and budget uncertainties in the wake of the global financial crisis.

- Moscow for the first time looked to the West to import modern weapons systems. Russia is pursuing post-START negotiations with the US while modernizing its nuclear triad to maintain a credible deterrent.

In the conventional forces realm, Moscow remains capable of militarily dominating the former Soviet space; although Russia's experience in the August 2008 Georgia conflict revealed major shortcomings in the Russian military, it also validated previous reform efforts that sought to develop rapidly-deployable forces for use on its periphery. Russia continues to use its military in an effort to assert its great power status and to project power abroad, including through the use of heavy bomber aviation patrols, out-of-area naval deployments, and joint exercises; some of these activities can have greater demonstrative impact than operational military significance.

Latin America Stable, but Challenged by Crime and Populism

Democratic governance remains strong in Latin America and the Caribbean where a vast majority of countries are committed to representative democracy, economic liberalization, and positive relations with the United States. In some countries, however, democracy and market policies remain at risk because of the continued threats from crime, corruption, and poor governance. In most states, serious economic problems have added further stress to democratic institutions. In parts of Mexico and Central America, for example, powerful drug cartels and violent crime undermine basic security. In other countries such as Venezuela, Bolivia, and Nicaragua, elected populist leaders are moving toward a more authoritarian and statist political and economic model, and they have banded together to oppose US influence and policies in the region. Venezuelan President Hugo Chavez has established himself as one of the US's foremost international detractors, denouncing liberal democracy and market capitalism and opposing US policies and interests in the region.

The region is showing signs of a slow economic recovery because countercyclical monetary and fiscal policies, coupled with rising commodity prices, helped most countries in the region stabilize by mid 2009. We judge that economic activity dropped by about 2.5 percent in 2009, led by Mexico with about a 7 percent decline. Latin American economies are expected to grow, on average, about 3 percent in 2010, but until a more robust recovery in the United States and Europe takes hold, regional economic growth will be modest. Exports from the region in 2009 have been down 25 to 30 percent from 2008, and we expect foreign direct investment will drop by about 30 percent. Besides Mexico, smaller countries in Central America and the Caribbean have been hit hard because of their close trade ties to the United States, falling tourism earnings, and declining remittances.

Mexico: Democracy Strong, But Faces Severe Test

President Calderon of Mexico has political backing and popular support for strengthening the rule of law in the face of violence, corruption, and criminal influence of his countries' powerful drug cartels. About 90 percent of all the cocaine that reaches the US from South America transits via Mexico, providing an enormous source of revenue and influence for illicit drug traffickers and giving gangs the means to threaten institutions, businesses, and individual citizens of Mexico. According to National Drug Intelligence Center, Mexican and Colombian drug trafficking organizations annually earn between $18-39 billion from drug sales in the United States.

Calderon is determined to break the cartels power and influence and reduce drug flows despite slow progress and continued high levels of violence. He has made the war on crime a key feature of his presidency, and his approval ratings remain solid, despite the fact that drug related violence claimed more than 7,000 lives last year. Opposition political parties support a strong counter drug effort, and the Mexican military remains committed to the task. We assess that the drug cartels probably will not destabilize the political situation even with escalated violence.

Brazil: A Growing Success

Brazil, with a stable, competitive democracy and robust economy, is one of the success stories of the region. Brazil's political system is well established and less vulnerable to populist authoritarian ambitions and its middle class has grown impressively to more than 50 percent of the population. Brazil will elect a new president this year as the popular President Luiz Inacio Lula da Silva steps down after two terms, and whoever wins probably will pursue responsible pro-growth economic policies. As an impressive sign of its economic health, Brazil suffered relatively little from the world financial crisis, and its GDP will probably grow at a rate of 5 percent this year.

Brazil, however, has crime and drug problems that will persist. Its major cities are among the region's most violent, and according to a UN study, Brazil is one of the world's largest consumers of cocaine. In Rio de Janiero, the site of the 2016 Olympics, authorities have initiated a program to recapture poor neighborhoods that are under the sway of powerful criminal gangs. The United States is working closely with Brazilian counterparts on counterdrug operations, particularly with the Federal Police.

Overall, US-Brazilian relations are positive, although lately Brasilia has made public its strong differences with us on climate change, our Defense Cooperation Agreement with Colombia, and our handling of the Honduras crisis. Nevertheless, we see Brasilia as a valuable partner in promoting hemispheric stability and democratic values.

Central America At Risk

Mounting crime and corruption in the northern tier of Central America—El Salvador, Guatemala, and Honduras—are challenging the ability of those democratic governments to provide for basic security and the rule of law. High homicide rates make the region among the most violent in the world. According to the United Nations Development Program, El Salvador,

Guatemala, and Honduras have homicide rates five to seven times higher that the world average of nine per 100,000 people. El Salvador last year had a homicide rate of 71 per 100,000, the highest rate in Latin America. At the same time, the governments' capacity to respond effectively is limited by weak institutions and endemic corruption. The challenges to regional governments are compounded by the severe economic downturn in most of the region, increased poverty owing to the loss of jobs, and reduced remittances from legal and illegal migrants to the US.

Despite holding peaceful elections last November, Honduras still faces political uncertainty and partial diplomatic isolation resulting from the forcible removal of President Manuel Zelaya from power last June. Newly elected President Porfirio Lobo will have to struggle to achieve international recognition and will face continued opposition from Zelaya's more radical supporters at home.

Venezuela: Leading Anti-US Regional Force

President Chavez continues to impose an authoritarian populist political model in Venezuela that undermines democratic institutions. Since winning a constitutional referendum in early 2009 that removed term limits and will permit his reelection, Chavez has taken further steps to consolidate his political power and weaken the opposition in the run up to the 2010 legislative elections. The National Assembly passed a law that shifted control of state infrastructure, goods, and services to Caracas in order to deprive opposition states and municipalities of funds. Chavez has curtailed free expression and opposition activities by shutting down independent news outlets, harassing and detaining protestors, and threatening opposition leaders with criminal charges for corruption. Chavez's popularity has dropped significantly in recent polls as a result of his repressive measures, continued high crime, rising inflation, water and power shortages, and a major currency devaluation, raising questions about his longer term political future.

On foreign policy, Chavez's regional influence may have peaked, but he is likely to continue to support likeminded political allies and movements in neighboring countries and seek to undermine moderate, pro-US governments. He has formed an alliance of radical leaders in Cuba, Bolivia, Ecuador, Nicaragua, and until recently, Honduras. He and his allies are likely to oppose nearly every US policy initiative in the region, including the expansion of free trade, counter drug and counterterrorism cooperation, military training, and security initiatives, and even US assistance programs.

- In Bolivia, President Evo Morales easily was reelected in December 2009 for another five year term after changing the Constitution. He is likely to continue to pursue an authoritarian, statist domestic agenda and an anti-US foreign policy. Relations with the US remain poor, and Morales has sharply curtailed cooperation with US counterdrug programs since expelling the US Ambassador in 2008 and three dozen DEA personnel in early 2009.

- Ecuadorean President Rafael Correa, after modifying the Constitution to permit himself another term, was reelected in 2009. Relations with the US have not been close especially since Correa ended US use of the Manta airbase in 2008 and reduced cooperation on counternarcotics programs.

Chavez's relationship with Colombia's President Uribe is particularly troubled. His outspoken opposition to Colombia's Defense Cooperation Agreement with the US has led to an increase in border tensions. Chavez has called the agreement a declaration of war against Venezuela. He has restricted Colombian imports, warned of a potential military conflict, and continued his covert support to the terrorist Revolutionary Armed Forces of Colombia (FARC).

Chavez Embraces Extra-Regional Actors

Chavez will continue to cultivate closer political, economic, and security ties with Iran, Russia, and China. He has developed a close personal relationship with Iranian President Ahmadi-Nejad, and they have signed numerous agreements, primarily on joint energy ventures. The two counties also have conducted regular flights between their two capitals since 2007. Following Chavez's lead, Bolivia, Ecuador and Nicaragua have increased their ties to Iran.

Most of the agreements Moscow has signed with Chavez relate to arms sales and investments in the Venezuelan energy sector. Over the past five years, Venezuela has purchased more than $6 billion in weapons from Moscow, including 24 SU30MK multi-role fighters, along with helicopters, tanks, armored personnel carriers, air defenses missiles, and small arms. On paper, Venezuela's acquisitions are impressive, but their armed forces lack the training and logistics capacity to use these to their full capability. Yet, the scale of the purchases has caused concern in neighboring countries, particularly Colombia, and risks fueling a regional arms race. In addition to the arms deals, Russian naval warships and long range strategic bombers visited Venezuela in late 2008 to demonstrate Moscow's ability to deploy its military forces into the region.

Cuban Economy Under Stress

Cuba has demonstrated few signs of wanting a closer relationship with the United States. Without subsidized Venezuela oil shipments of about 100,000 barrels per day, the severe economic situation would be even worse. President Raul Castro fears that rapid or significant economic change would undermine regime control and weaken the revolution, and his government shows no signs of easing his repression of political dissidents. Meanwhile illegal Cuban migration to the US, which averaged about 18,000 per year from 2005 to 2008, decreased by almost 50 percent in 2009 mainly because of the US economic slowdown and tightened security measures in Cuba. While we judge the chance of a sudden Cuban mass migration attempt is low, if the regime decides it cannot cope with rising public discontent over economic conditions, it could decide to permit more Cubans to leave the island.

Haiti: Earthquake Threatens Viability of State

The 7.3-magnitude earthquake that devastated Port-au-Prince, Haiti on 12 January 2010 killed and injured hundreds of thousands—in a city of nearly three million people—largely wiping out the international effort to promote nation-building over the last two decades. With the destruction of entire neighborhoods, logistics infrastructure, and key public buildings, including the UN headquarters, Haiti faces a daunting rebuilding challenge far beyond its internal capacity to address. The long-term commitment and support of the international community will be required to help it recover. Even with a robust, long-term international

commitment, the threat of political and economic instability will always be present, as will the potential threat of maritime mass migration by Haitians desperate to reach the United States.

Continued Instability in Africa

Sub-Saharan African nations continue to show progress in developing more democratic political institutions and pursuing policies that encourage economic growth and development and improve living conditions. More African countries than ever before can be classed as democratic or partially democratic, and continent-wide economic growth has proven surprisingly resilient in the face of the worldwide economic downturn. Nevertheless, economic and political progress in Africa remains uneven, varies greatly from nation to nation, and is still subject to sudden reversal or gradual erosion. Africa has experienced recent backsliding as democratic advances have been reversed in several countries. The global financial crisis has slowed economic growth following a decade of relatively good performance in many countries.

The daunting array of challenges facing African nations make it highly likely in the coming year that a number will face new outbreaks of political instability, economic distress, and humanitarian crises, adding to the concerns already arising from ongoing, seemingly intractable conflicts that demand US attention and response.

Sudan: Facing Two Crises

The 2005 Comprehensive Peace Agreement (CPA) brought a tenuous peace between northern and southern Sudan, but many observers warn that the risk of renewed conflict is rising as we approach 2011, when the south is set to vote in a referendum on southern independence. Khartoum and Juba are running out of time to resolve disputes over the north-south border—along which most of Sudan's oil reserves lie—or to formulate a post-2011 wealth-sharing deal, which we judge are key to preserving the peace. While a renewed conflict could be limited to proxy fighting or skirmishes focused around individual oilfields, both sides' arms purchases indicate their anticipation of more widespread conflict. Southern leaders rhetoric suggests that they are increasingly determined to secure independence in 2011—whether by referendum or unilateral declaration if they believe Khartoum will thwart a vote—but the south is poorly prepared for the post-2011 period. The southern government is spending a large amount of its revenues on military force modernization while failing to provide basic services, curb rampant corruption, or curtail escalating tribal clashes. Some international observers have suggested the south will become a failed state unless the international community assumes a significant role in development, security, and governance.

The conflict in western Sudan's Darfur region has become less deadly but more complicated since the government began its counterinsurgency campaign against the rebels in 2003. Overall levels of violence have declined sharply since 2005, but a wide body of reporting points to a proliferation of banditry, ethnic clashes, and inter-rebel fighting. Darfur almost certainly will continue to experience sporadic bouts of fighting, especially as the government and rebels try to secure stronger negotiating positions in peace talks. Some of Darfur's fractured rebel groups are amenable to reunification efforts led by US and UN mediators, but the two most important rebel leaders have remained intransigent as they maneuver for advantage. The number of displaced

persons has climbed steadily to nearly 3 million, and any government efforts to resettle them could spark an even greater humanitarian emergency.

Somalia's TFG: Barely Hanging On

In the next year, the Transitional Federal Government (TFG) will continue to fight al-Shabaab and other factions for control of Somalia. On-going support from the African Union Mission in Somalia (AMISOM) and other international governments remains critical to TFG efforts to combat al-Shabaab and other factions and extend its reach into central and southern Somalia. While focusing on security is vital, the TFG also must begin to provide much needed public services and broaden representation among various Somali clans and sub-clans in order to win popular support and weaken the appeal of al-Shabaab. Al-Shabaab—which maintains ties to the small number of al-Qa'ida members who continue to operate in East Africa—is certain to continue planning attacks on TFG, Western, and AMISOM targets. Al-Shabaab has assumed control over many local revenue-generating structures—including ports, airports, roads, and water resources—since taking over large portions of central and southern Somalia last year.

Nigeria: Serious Challenges Remain

Nigeria, Africa's most populous country and a major oil and gas producer and home to as many as 70 million moderate Muslims will continue to face serious social, economic, and security challenges over the next year. Many important electoral and governmental reforms have stalled as Nigeria's political elites politick, buy support, pursue personal gain, and jockey for position ahead of the next national elections scheduled for 2011. Many observers fear communal conflict and political violence will increase in the run-up to these elections, which could lead to a deeply flawed poll. As the Niger Delta amnesty agreement between the government and militants continues to be stalled, we worry that criminality and conflict in the restive region will resume in the medium term, complicating US efforts to engage on security and energy issues. Communal violence probably will continue to outbreak suddenly, with little or no warning, especially in parts of the northern and central regions of the country where ethno-religious tensions remain high

Guinea: Not Yet Stable

Although we cannot discount the possibility that the resource-rich West African country will descend into inter-ethnic fighting that further drags it down and threatens the fragile stability in Liberia, Sierra Leone, and Cote d'Ivoire, the departure from the scene in December of erratic junta leader Moussa Dadis Camara, after a junta colleague attempted to kill him, has opened a narrow window of opportunity for defusing a volatile situation. Guinea's interim leaders have pledged to work toward democratic elections. The new Prime Minister of the transitional government took over on 26 January and is tasked to prepare elections in six months. Pro-Camara loyalists, however, remain a threat to the transitional government. Labor unions may call for renewed street protests if political and economic reforms to not arrive quickly enough.

For now, Guinea's inept military junta, which seized power following the death of President Conte in 2008, is piloting the resource-rich West African country until the return to civilian rule. Should they fail, they will take the country to instability and possibly a humanitarian crisis. The country could, given its current trajectory, descend into interethnic fighting and destabilize neighboring Liberia, Sierra Leone, and Cote d'Ivoire, all post-conflict states.

Stalled Democratization

The number of African states holding elections continues to grow although few have yet to develop strong, enduring democratic institutions and traditions. In many cases the "winner-take-all" ethos predominates and risks exacerbating ethnic, regional, and political divisions. Ethiopia, Sudan, Guinea, Togo, Central African Republic, Burundi, Rwanda, Tanzania, Burkina Faso, Chad, and Somaliland all are scheduled to hold national elections in 2010. In Ethiopia, Prime Minister Meles and his party appear intent on preventing a repeat of the relatively open 2005 election which produced a strong opposition showing. National elections in Sudan in 2010 run the risk of deepening north/south split and complicating the important 2011 referendum on southern Sudanese independence. In Madagascar, prospects are looking increasingly poor that the current transitional government can hold together in order to carry out proposed elections in 2010.

Prospects for greater political liberalization and democratization are also likely to be limited in nations not scheduled to hold elections. In Senegal, once a healthy democracy, octogenarian President Abdoulaye Wade appears to want to maintain authority for a third term or to handover of power to his son. In Niger, two-term President Mamadou Tandja revoked the Constitution and over the opposition of the country's judiciary and legislature in order to remain in office. In Uganda, President Yoweri Museveni, who has dominated this one-party state since 1986, not undertaking democratic reforms in advance of elections scheduled for 2011.

Important to US security interests in Africa is the continued inability of Kenya to deal with the fallout from the deeply flawed 2007 national elections. Kenya's political elite, some of whom may yet be indicted by the International Criminal Court (ICC) for encouraging violence during the last election, have made little progress on reforms that address the underlying causes of the post-election violence, and ethnic tensions remain at the surface, potentially leading to new and violent clashes that the government will have difficulty controlling. Given Kenya's role as a regional economic hub and primary entry point for goods and services flowing into East Africa, an unstable Kenya would have significant impact on neighboring states as well.

In Zimbabwe, President Robert Mugabe in the coming year appears intent on continuing to cling to power, stonewalling domestic and international pressure to reform, and resisting full implementation of the power-sharing agreement he agreed to with Prime Minister Morgan Tsvangirai. Although the economy has shown some signs of revival, little political improvement is likely as long as Mugabe retains the support of the military and the security services. Even if Mugabe were to leave office or die we expect that the ruling ZANU-PF party insiders, military, and security services would join to ensure that a successor did not threaten their interests or grip on power.

Persistent Vulnerability to Humanitarian Crises, Natural Disasters

Many African nations will remain food insecure and at risk of experiencing a humanitarian crisis. Most African governments continue to lack the capacity to respond to these crises whether as a result of man-made or natural causes, and will quickly look to the international community and already overburdened NGOs for help. The humanitarian crisis in the Horn of Africa, already the world's worst and largest, may become even worse from continued fighting

in Somalia, misguided economic policies in Ethiopia, and political uncertainty in Sudan. An ongoing drought coupled with political instability in Kenya in 2008 left 10 million people in need of aid compared to 3 million in 2007. Although the creation of a new coalition government in Zimbabwe has stabilized the economy and the food situation somewhat, President Mugabe and his party whose policies directly led to the food crisis continue to be the dominant political power.

The humanitarian situation in the Democratic Republic of the Congo (DRC) in the year ahead will remain particularly difficult and resistant to resolution. Despite recent setbacks for some rebel forces in Eastern Congo and improved relations between the DRC and Rwanda, the eastern Congo remains a regional political, security, and humanitarian problem which has claimed the lives of millions, led to the displacement of millions more, and resulted in widespread sexual violence committed by both rebel and government forces. Competition to exploit the area's significant mineral wealth has raised the stakes for competing forces even higher and will continue to make resolution of the conflict more difficult.

Mass Killings

The mass killing of civilians—defined as the deliberate killing of at least 1000 unarmed civilians of a particular political identity by state or state-sponsored actors in a single event or over a sustained period—is a persistent feature of the global landscape. Within the past three years, the Democratic Republic of the Congo (DRC), and Sudan all suffered mass killing episodes through violence, starvation, or deaths in prison camps. Sri Lanka may also have experienced a mass killing last spring: roughly 7,000 civilians were killed during Colombo's military victory over the Liberation Tigers of Tamil Eelam (LTTE), according to UN estimates.

The risk for mass killing is driven by the presence of ongoing internal conflict or regime crises, combined with relatively poor socioeconomic conditions, international isolation, recent protest activity, discriminatory policies, or frequent leadership turnover. In such contexts, mass killings are typically deliberate strategies by new or threatened elites to assert state or rebel authority, to clear territory of insurgents, or to deter populations from supporting rebels or anti-government movements.

Looking ahead over the next five years, a number of countries in Africa and Asia are at significant risk for a new outbreak of mass killing. All of the countries at significant risk have or are at high risk for experiencing internal conflicts or regime crises and exhibit one or more of the additional risk factors for mass killing. Among these countries, a new mass killing or genocide is most likely to occur in Southern Sudan.

Potential Flashpoints in Eurasia and Balkans

The unresolved conflicts of the Caucasus provide the most likely flashpoints in the Eurasia region. Moscow's expanded military presence in and political-economic ties to Georgia's

separatist regions of South Ossetia and sporadic low-level violence increase the risk of miscalculation or overreaction leading to renewed fighting.

Although there has been progress in the past year toward Turkey-Armenia rapprochement, this has affected the delicate relationship between Armenia and Azerbaijan, and increases the risk of a renewed conflict over Nagorno-Karabakh.

Economic crisis and political competition among top Ukrainian leaders pose the greatest risk of instability in Ukraine, particularly in connection with this year's presidential election. Competition between President Yushchenko and his primary rivals, Prime Minister Tymoshenko and Party of Regions leader Yanukovych resulted in economic reform being put on the back burner and complicated relations with Russia over gas payments. Moreover, noncompliance with the conditions set by international financial institutions has put the country's economy in further jeopardy.

The regimes of Central Asia—Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, and Turkmenistan—have been generally stable so far, but predicting how long this will remain the case is difficult. The region's autocratic leadership, highly personalized politics, weak institutions, and social inequality make predicting succession politics difficult and increase the possibility that the process could lead to violence or an increase in anti-US sentiment. There is also concern about the ability of these states, especially Kyrgyzstan, Tajikistan, and Turkmenistan, to manage the challenges if Islamic extremism spreads to the region from Pakistan and Afghanistan. The risks are compounded by the economic crisis, which has resulted in reduced remittances to the region, and by perennial food and energy shortages in some parts of Central Asia. Competition over water, cultivable land, and ethnic tensions could serve as sparks for conflict.

Events in the **Balkans** will again pose the principal challenges to stability in Europe in 2010. Bosnia-Herzegovina's (BiH) continuing uneasy inter-ethnic condominium and the issue of the Serb minority in Kosovo, particularly in northern Kosovo, remain sources of tension requiring Western diplomatic and security engagement. We assess that the US and Europe retain significant influence in the Western Balkans. The nature of their engagement—including the ability of Washington, Brussels, and key EU members states to work together and present a common front—will importantly influence the region's future course.

I remain concerned about Bosnia's future stability. While neither widespread violence nor a formal break-up of the state appears imminent, ethnic agendas still dominate the political process and reforms have stalled because of wrangling among the three main ethnic groups. The sides failed to agree on legal changes proposed jointly by the EU and the US at the end of 2009, undercutting efforts to strengthen the central government so that it is capable of taking the country into NATO and the EU. Bosnian Serb leaders seek to reverse some reforms, warn of legal challenges to the authority of the international community, and assert their right to eventually hold a referendum on secession, all of which is contributing to growing interethnic tensions. This dynamic appears likely to continue, as Bosnia's leaders will harden their positions to appeal to their nationalist constituents ahead of elections this fall.

More than 60 nations, including 22 of 27 EU members, have recognized the state of Kosovo, but in the coming years Pristina will remain dependent on the international community for economic and development assistance as well as for diplomatic and potentially security support to further consolidate its statehood. Much of the Serb population still looks to Belgrade and is resisting integration into Kosovo's institutions, though this appears to be slowly changing in Kosovo's south. Kosovo government influence in the Serb-majority area in the north of Kosovo is extremely weak. NATO's presence, although reduced, is still needed to deter violence, and its mentoring of the nascent Kosovo Security Force is crucial to the force's effectiveness and democratic development.

Serbia's leaders espouse a European future and President Tadic desires quick progress toward Serbian EU membership, but Belgrade shows no sign of accepting Kosovo's independence or accepting constructively. Belgrade appears to be awaiting an advisory opinion by the International Court of Justice on the legality of Pristina's declaration of independence—expected mid-year—before determining how to advance its claim on Kosovo. Serbia frequently turns to Moscow for political backing and economic support.

Regional Impacts of Climate Change

Before I discuss the Intelligence Community's assessment of the regional impacts of climate change, I would like to note that because we do not conduct climate research to produce these assessments, we reach out to other US Government entities that have expertise in this area. We also do not evaluate the science of climate change per se, nor do we independently analyze what the underlying drivers of climate change are or to what degree climate change will occur.

We continue to assess that global climate change will have wide-ranging implications for US national security interests over the next 20 years because it will aggravate existing world problems—such as poverty, social tensions, environmental degradation, ineffectual leadership, and weak political institutions—that threaten state stability. (In my classified statement, I discuss the recent UN-sponsored climate change conference in Copenhagen.) Climate change alone is highly unlikely to trigger failure in any state out to 2030, but it will potentially contribute to intra- or, less likely, interstate conflict. Water issues, which have existed before the recent changes in the climate, will continue to be major concern. As climate changes spur more humanitarian emergencies, the demand may significantly tax US military transportation and support force structures, resulting in a strained readiness posture and decreased strategic depth for combat operations. Some recent climate science would indicate that the effects of climate change are accelerating, particularly in the Arctic region and on mountain glaciers that impact critical watersheds.

For India, our research indicates the practical effects of climate change will be manageable by New Delhi through 2030. Beyond 2030, India's ability to cope will be reduced by declining agricultural productivity, decreasing water supplies, and increasing pressures from cross-border migration into the country.

China is developing a toolkit to manage disruptions caused by climate change and its economic growth has the potential to increase its mitigation capacity through 2030. But it remains to be seen if this capacity will be fully used. The ability of China to cope beyond 2030 will be reduced owing to increased climate-driven internal migration, local water scarcities, and changes in agricultural productivity and demand.

For Russia, our research indicates that climate change will have significant direct and indirect impacts on their energy sector, which is a key determinant of Russia's economic future and state capacity. The thawing of the permafrost across vast stretches of Russia, including areas in which there are oil and gas deposits and over which there are pipelines, will both put existing infrastructure at risk and make its modernization and replacement more difficult. Yet, Russia has a greater capacity to respond to the negative effects of climate change than some industrialized countries and most underdeveloped ones, including robust capacities in analysis and forecasting and in emergency response, which could help mitigate the risk of climate change leading to economic instability.

For Mexico, the Caribbean, and Central America, water scarcity may spark political, economic, and social conflicts. Migratory trends, with Mexico and the United States accepting a large percentage of immigrants, are likely to continue and may accelerate crime conducted by gangs and criminal elements from the migrating populations.

State capacity in many Southeast Asian countries is weakened by poor governance, corruption, and the influence of vested economic interests. With the exception of Indonesia and Vietnam, many of the region's political leaders are not yet focused on the threat posed by climate change. Dam building on the Mekong River Basin could pose a significant threat to agriculture, fisheries, and human habitation in Cambodia and Vietnam's Mekong Delta. Large-scale migration from rural and coastal areas into cities and across borders could increase friction between diverse social groups already under stress from climate change.

- Together with the Maldives, which is at risk of complete obliteration, these two countries are likely to remain powerful advocates for developed nations to remember the human costs of climate change.

In North Africa climate change pressures will be pervasive but state failures attributable solely to climate change to 2030 are not likely. The effects of climate change in North Africa are likely to exacerbate existing threats to the region's water and food resources, economies, urban infrastructure, and sociopolitical systems. Cities probably will face deteriorating living conditions, high unemployment, and frequent civil unrest. Climatic stress coupled with socioeconomic crises and ineffective state responses could generate localized social or governmental collapses and humanitarian crises. Climate change will likely increase the already substantial emigration of North Africans to Europe. The region also will serve as a route for transmigration if Sub-Saharan Africans flee severe climatic stress. North Africa will absorb an increasing proportion of Europe's attention and resources.

Arctic states have such common goals as environmental protection, shipping safety, effective search and rescue (SAR), and commerce development, they do not fully agree on how to achieve

them. Our research indicates the widespread use of the Arctic for commercial purpose is hindered by the absence of reasonable insurance, which will come only with Arctic coastal infrastructure development, agreed safety standards for commercial vessels, and adequate SAR capability.

Strategic Health Challenges and Threats

The current influenza pandemic is the most visible reminder that health issues can suddenly emerge from anywhere in the globe and threaten American lives and US strategic objectives. It also highlights many of the United States' critical dependencies and vulnerabilities in the health arena. But like an iceberg, the visible portion is just a small fraction of the myriad of health issues that will likely challenge the United States in the coming years. Significant gaps remain in disease surveillance and reporting that undermine our ability to confront disease outbreaks overseas or identify contaminated products before they threaten Americans. The policies and actions of foreign government and non-state actors to address health issues, or not address them, also have ripple effects that impair our ability to protect American lives and livelihoods and impair Washington's foreign policy objectives.

In my threat assessment last year, I noted that "the most pressing transnational health challenge for the United States is the potential emergence of a severe influenza pandemic." Unknown to everyone at the time, the 2009-H1N1 influenza virus had already started spreading by late March. By the time anyone was aware of the new virus, thousands of American travelers had been exposed. Fortunately, the disease has been, thus far, relatively mild; but even a mild flu pandemic can strain health care resources, cause millions of people to become ill, thousands to die prematurely, curtail economic activity, and upset diplomatic relations as countries attempt to limit the spread of the virus.

- The pandemic highlights the need to avoid narrowly targeting surveillance and control measures on only one particular health threat. No one can predict which of the myriad of potential health threats will suddenly emerge, where the threat will come from, or when. For the last several years, the world focused on the emergence of H5N1 avian influenza from Asia. While the possibility of an H5N1 avian flu pandemic helped the US government respond to the actual H1N1 pandemic, the international focus for avian influenza in Eurasia deflected international attention and resources away from the possibility of the emergence of a different virus, from another region, and from a different animal host.

As seen with H1N1-2009 pandemic, travel between countries links our population's health to the health and sanitary conditions of every country, and our knowledge of the potential threats is limited by the inadequacies of international disease surveillance in animals and man. We have warned in the past that surveillance capacity to detect pathogens in humans varies widely between countries. Of equal concern, the lack of consistent surveillance and diagnostic capability for diseases in animals is a formidable gap even in developed countries that undermines the United States' ability to identify, contain, and warn about local outbreaks before they spread. Some 70 percent of human pathogens originated from animals, yet global surveillance of animal diseases remains chronically under funded.

The ability to detect and contain foreign disease outbreaks before they reach this country is partially dependent on US overseas laboratories, US relationships with host governments, and state willingness to share health data with non-governmental and international organizations. Partnerships with countries on improving laboratory capabilities provide opportunities for US engagement, such as the recent agreement to open a Global Disease Detection Center in India. However, a lack of transparency and a reticence to share health data and viral specimens remains a concern.

Governments' reactions to the current pandemic highlight how health policy choices can have immediate impacts, particularly disease-associated disruptions in travel and trade. If the pandemic had been more severe, the potential for massive economic losses, threats to government stability, and criminal activity and violence would have been greater.

Moreover, the health policies of governments and non-state organizations can have long-term detrimental implications for the United States. Indonesia in early 2007 stopped sharing specimens of the H5N1 avian influenza virus with the WHO, demanding that the WHO adopt a new system that would more equitably distribute influenza vaccines and other medical countermeasures. Several developing countries and NGOs have supported Indonesia in the WHO negotiations. Although the discussion has focused on influenza viruses with pandemic potential, those developing countries will probably push for the agreement to be extended to all biological specimens. Such a change in the international system, that more equitably distributes vaccines and pharmaceuticals globally, would slow the availability of sufficient amounts of medications in the United States to respond to a pandemic.

- Thailand started a trend two years ago when it issued compulsory licenses for a few patented pharmaceuticals to treat AIDS and heart disease. Should more middle-income countries follow suit or use the threat of compulsory licenses to secure deep discounts, pharmaceutical companies probably will increase prices in the United States to compensate for declining revenue in other parts of the world, undermining efforts in the US to control healthcare costs.

- China' health policy has indirect but extremely important economic implications for addressing its external imbalances. China's population saves a large percentage of its earnings to prepare for retirement and guard against catastrophic out-o f-pocket expenses if they become ill. (Some economists believe these high savings rates contribute to the financial imbalances between the United States and China.) Beijing is taking important steps to increase public spending on healthcare and reduce the need for household precautionary saving.

The spotty delivery of basic services in many countries, particularly for health and education, provides an opportunity for non-state organizations to proselytize and develop political legitimacy. Hamas's and Hizballah's provision of health and social services in the Palestinian Territories and Lebanon over the past 20 years has helped to legitimize those organizations as a political force. Islamic extremists in Afghanistan and Pakistan followed a similar model to gain acceptance for their ideas by providing education services that the governments were not providing. Similar efforts are probably underway elsewhere in the world.

Americans' health is also vulnerable because of the vast amount of foods and medicals supplies that are imported and the lack of enforcement of sanitary standards at their point of origin. Most countries have laws and regulations to ensure food and drug safety but often lack sufficient funding to enforce those laws. Consequently, contaminated products, whether accidentally or economically motivated, can be shipped to American consumers. The economically motivated contamination in China of pet food, infant formula, and other milk products with melamine and the tainting of the active ingredient in the drug heparin highlight the necessity of continued vigilance to ensure food and drug safety and a stable supply.

- We assess that the United States has a critical foreign dependence on several pharmaceuticals, such that an overseas disruption in supply would adversely affect Americans' health that would not be easily mitigated through an alternative supplier or product. These include pharmaceuticals to treat radiation exposure, anthrax, botulism, diabetes, and the flu, and the precursor to heparin.

- Additionally, most of the world's flu vaccine production capacity is concentrated in Europe. If the flu pandemic had been more severe, many governments probably would have been be pressed to stop exports of the vaccine until their domestic population was sufficiently vaccinated, further delaying the delivery of vaccines to the United States beyond what has already been experienced.

Significant State and Non-State Intelligence Threats

During the past year, China's intelligence services continue to expand and operate in and outside the United States. Its human collection services enhanced their collection and processing capabilities directed against the United States. Russia continues to strengthen its intelligence capabilities and directs them against US interests worldwide. Moscow's intelligence effort includes espionage, technology acquisition, and covert action efforts to alter events abroad without showing its hand.

Iran is enhancing its focus on US intelligence activities and relies on foreign intelligence partnerships to extend its capabilities. Iran continues to pursue intelligence outreach efforts to reduce the country's isolation and counter US interests.

Cuban intelligence collects against US activities for insight into our operations and intentions globally. Cuba maintains intelligence liaison relationships with a number of US adversaries and competitors.

North Korea and Venezuela possess more limited intelligence capabilities focused primarily on regional threats and supporting the ruling regime. North Korea continues to collect information on US technologies and capabilities. Venezuela's services are working to counter US influence in Latin America by supporting leftist governments and insurgent groups.

Several transnational terrorist groups have demonstrated the capability to conduct intelligence activities to support their operational and political activities. Al-Qa'ida possesses effective but uneven intelligence capabilities. Lebanese Hizballah exhibits effective intelligence and counterintelligence capabilities and activities.

- International organized crime networks—including drug traffickers—continue to improve their intelligence capabilities and pose a growing threat to the United States.

Growing Threat from International Organized Crime

International organized crime (IOC) is threatening US interests by forging alliances with corrupt government officials, undermining competition in key global markets, perpetrating extensive cyber crimes, and expanding their narcotrafficking networks. The nexus between international criminal organizations and terrorist and insurgent groups also presents continuing dangers. The drivers behind these changes—including globalization, the Internet, and the growing technological savvy of some criminal organizations—will increasingly favor IOC.

IOC penetration of states will deepen, leading to co-option in a few cases and further weakening of governance in many others. The growing span of IOC business activities and financial incentives is pushing IOC to seek strategic alliances with state leaders and foreign intelligence services, threatening stability and undermining free markets.

At one end of the spectrum is the apparent growing nexus in Russian and Eurasian states among government, organized crime, intelligence services, and big business figures. An increasing risk from Russian organized crime is that criminals and criminally linked oligarchs will enhance the ability of state or state-allied actors to undermine competition in gas, oil, aluminum, and precious metals markets.

IOC penetration of governments is exacerbating corruption and undermining rule of law, democratic institution-building, and transparent business practices. In China, IOC corruption of party and government officials is aggravating an already difficult operating environment for US businesses. Countries with weak governance where corrupt officials turn a blind eye to illicit IOC activity include Afghanistan, many African states, Balkan states, and some Latin American states where narcotrafficking is rampant.

IOC almost certainly will increase its penetration of legitimate financial and commercial markets, threatening US economic interests and raising the risk of significant damage to the global financial system. International criminal organizations are amassing substantial financial clout.

- International criminal organizations will increasingly damage the ability of legitimate businesses to compete and may drive some legitimate players out of the market. IOC engages in bribery, fraud, violence, and corrupt alliances with state actors to gain the upper hand against legitimate businesses.

- Through piracy and state relationships that help criminal networks avoid regulation, IOC is flooding the world market with inferior products. IOC is likely to increasingly threaten industries that depend on intellectual property such as fashion, pharmaceuticals, computing, finance, entertainment, and publishing—all US economic strengths.

- Emerging market countries are particularly vulnerable. Corruption, weak enforcement, and a lack of transparency provide fertile ground for IOC activity in these countries, making them less appealing for legitimate investors.

- Organized crime's coercive tactics and shady business practices most likely will further undermine transparency and confidence in key energy, metal, and other sectors where recent acquisitions and investments have occurred.

International criminal organizations are likely to become more involved in cyber crimes, raising the risk of significant damage to the global financial and trust systems—banking, stock markets, and credit card services—on which the global economy depends. IOC is increasingly proficient at using technology for old ventures, including fraud, contraband sales, and money-laundering as well as for new types of crime such as hacking to steal money and credit card data. Technological advances in information technology applications and the slow adoption of defensive technologies are making it easier for criminals to conduct successful attacks.

Terrorists and insurgents increasingly will turn to crime to generate funding and will acquire logistical support from criminals, in part because of US and Western success in attacking other sources of their funding. Terrorists and insurgents prefer to conduct criminal activities themselves; when they cannot do so, they turn to outside individuals and criminal service providers. Involvement in the drug trade by the Taliban and the Revolutionary Armed Forces of Colombia (FARC) are critical to the ability of these groups to fund attacks. Drug trafficking also provides support to other terrorists, such as Hizballah. Some criminals could have the capability to provide WMD material to terrorists.

Many of the well-established organized criminal groups that have not been involved in producing narcotics—including those in Russia, China, Italy, and the Balkans—are now expanding their ties to drug producers to develop their own distribution markets and trafficking networks.

Conclusion

A year ago the deteriorating global economy threatened to trigger widespread political instability. I am happy to report that, while the recovery remains tenuous, the past economic clouds darkening the whole strategic outlook have partially lifted. Despite the myriad uncertainties and continuing challenges, the economic and political picture we are facing today could have been far worse if the economic free fall had not been stopped. As I indicated last year, the international security environment is complex. No dominant adversary faces the United States that threatens our existence with military force. Rather, the complexity of the issues and

multiplicity of actors—both state and non state—increasingly constitutes one of our biggest challenges. We in the Intelligence Community are seeking to understand and master the complexity and interlocking ties between issues and actors and in doing so believe we can help protect vital US interests in close cooperation with other civilian and military members of the US Government.

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 26, 2010

The Honorable Dianne Feinstein
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

The Honorable Christopher S. Bond
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Chairman Feinstein and Vice Chairman Bond:

I am writing in response to requests by a number of Members of the Committee for information about statistics maintained by the Department of Justice relating to prosecution of terrorism and terrorism-related crimes, as well as the incarceration of terrorists by the Bureau of Prisons.

The Counterterrorism Section of the National Security Division (NSD) (and its predecessor section in the Criminal Division) has maintained a chart of international terrorism and terrorism-related prosecutions since September 11, 2001. A copy of that chart, which currently includes just over 400 defendants, and a brief introduction describing its contents, is enclosed with this letter. This chart was initially developed and has since been maintained and regularly updated on a rolling basis by career federal prosecutors. The bulk of the data included in the chart was generated, and relates to prosecutions that occurred, during the prior Administration. In fact, the data was cited publicly by the prior Administration on repeated occasions, including:

- In a book entitled "Preserving Life & Liberty: The Record of the U.S. Department of Justice 2001 – 2005," released in February 2005, the Department said,

"Altogether, the Department has brought charges against 375 individuals in terrorism-related investigations, and has convicted 195 to date."[1]

- In its February 2008 budget request for Fiscal Year 2009, the Department of Justice said, "Since 2001, the Department has increased its capacity to investigate terrorism and has identified, disrupted, and dismantled terrorist cells operating in the United States. These efforts have resulted in the securing of 319 convictions or guilty pleas in terrorism or terrorism-related cases arising from investigations conducted primarily after September 11, 2001, and zero terrorist attacks on American soil by foreign nationals from 2003 through 2007."

Please note that the chart includes only convictions from September 11, 2001 to March 18, 2010. It does not include defendants whose convictions remain under seal, nor does it include defendants who have been charged with a terrorism or terrorism-related offense but have not been convicted either at trial or by guilty plea. Finally, it does not include convictions related solely to domestic terrorism.

The NSD chart includes the defendant's name, district, charging date, charges brought, classification category, conviction date, and conviction charges, as well as the sentence and the date it was imposed, if the defendant has been sentenced. As the introduction to the NSD chart explains, the data includes convictions resulting from investigations of terrorist acts planned or committed outside the territorial jurisdiction of the United States over which Federal criminal jurisdiction exists and those within the United States involving international terrorists and terrorist groups. NSD further divides these cases into two categories. The first includes violations of federal statutes that are directly related to international terrorism and that are utilized regularly in international terrorism matters, such as terrorist acts abroad against U.S. nationals and providing material support to a foreign terrorist organization. There have been more than 150 defendants classified in this category since September 11, 2001. The second category includes a variety of other statutes (like fraud, firearms offenses, false statements, or obstruction of justice) where the investigation involved an identified link to international terrorism. There have been more than 240 individuals charged in such cases since September 11, 2001. Examples of the international terrorism nexus identified in some of these cases have also been provided for your review.

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[1] Notably, the book goes on to explain that "[t]o identify and prevent additional terrorist attacks, the Department has obtained the cooperation of individuals arrested in terrorism-related investigations by leveraging criminal charges and long prison sentences. As a result, the Department has been able to obtain critical information and intelligence about al Qaeda and other terrorist groups, safehouses, training camps, recruitment, and tactics in the United States, as well as the operations of terrorists who mean to do Americans harm." It further concludes that "[t]he safety that America has enjoyed since September 11, 2001, is largely due to the enhanced integration and coordination that has occurred with our partners in the U.S. and international law enforcement and intelligence communities. Standing shoulder-to-shoulder, local, state, national and international law enforcement have stood watch together and disrupted terrorist threats around the world."

Prosecuting terror-related targets using these latter offenses is often an effective method—and sometimes the only available method—of deterring and disrupting potential terrorist planning and support activities. Indeed, one of the great strengths of the criminal justice system is the broad range of offenses that are available to arrest and convict individuals believed to be linked to terrorism, even if a terrorism offense cannot be established. Of course, an aggressive and wide-ranging terrorism investigation will net individuals with varying degrees of culpability and involvement in terrorist activity, as the NSD chart reflects. Arresting and convicting both major and minor operatives, supporters, and facilitators can have crippling effects on terrorists' ability to carry out their plans.

You will also note that the sentences obtained in these cases range from a few months to life. Life sentences have been imposed by our courts in 12 international terrorism or terrorism-related cases since 9/11, and sentences of more than 10 years have been imposed in an additional 59 cases, including 25 cases in which the sentence exceeded 20 years. We believe the long sentences often imposed by our courts in these cases reflect the gravity of the threat posed by these individuals to our nation. However, it is important to note that while a long sentence is an important measure of success in a terrorism-related prosecution, it is not the only measure. Convicting an individual of an available offense and incarcerating him even for a relatively short period of time may be an effective way to disrupt ongoing terrorist activity, deter future activity, collect important intelligence, secure valuable cooperation, or facilitate rapid deportation of an individual.

This vital work continues. In the past year, thanks to the hard work of dedicated career professionals – FBI agents, other federal and state law enforcement officials, and career federal prosecutors – we have been able to disrupt terrorist plots, convict and imprison terrorists and their supporters, and collect intelligence we need to protect the country. We detected and disrupted a plot to attack the subway system in Manhattan with explosive bombs that could have killed many Americans. We conducted successful undercover operations to arrest individuals who separately attempted to blow up buildings in Dallas, Texas, and Springfield, Illinois. And we arrested individuals in Chicago who assisted in the deadly November 2008 terror attacks in Mumbai and were plotting other attacks.

Finally, the Bureau of Prisons (BOP) maintains a separate chart that identifies inmates in BOP custody who have a history of or nexus to international or domestic terrorism. There are currently more than 300 individuals on this chart, which is used to identify those inmates who may warrant increased supervision and monitoring of their communications, among other things. BOP's designation of these inmates may be based upon information from a variety of sources, including sensitive law enforcement or intelligence information that is not publicly available, regarding the inmate's past behavior and associations. BOP does not publicly disclose which inmates have been designated in this fashion. The disclosure of this information could interfere with BOP's

monitoring and law enforcement investigative efforts. Moreover, disclosure of the identities of these inmates could pose risks to the security of the inmates and prison staff.

Should you or your staff wish to review the BOP chart, BOP is prepared to provide the Committee with access to the chart under conditions designed to protect security and operational equities.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosure

INTRODUCTION TO NATIONAL SECURITY DIVISION STATISTICS ON UNSEALED INTERNATIONAL TERRORISM AND TERRORISM-RELATED CONVICTIONS

The National Security Division's International Terrorism and Terrorism-Related Statistics Chart tracks convictions resulting from international terrorism investigations conducted since September 11, 2001, including investigations of terrorist acts planned or committed outside the territorial jurisdiction of the United States over which Federal criminal jurisdiction exists and those within the United States involving international terrorists and terrorist groups. Convictions listed on the chart involve the use of a variety of Federal criminal statutes available to prevent, disrupt, and punish international terrorism and related criminal activity. The convictions are the product of the Department's aggressive, consistent, and coordinated national enforcement effort with respect to international terrorism that was undertaken after the September 11, 2001 terrorist attacks.

Criminal cases arising from international terrorism investigations are divided into two categories, according to the requisite level of coordination and monitoring required by the Counterterrorism Section of the National Security Division (or its predecessor section in the Criminal Division). This coordination and monitoring exists in response to the expanded Federal criminal jurisdiction over and importance of international terrorism matters and the need to ensure coherent, consistent, and effective Federal prosecutions related to such matters. Typically, multiple defendants in a case are classified in the same category.

Category I cases involve violations of federal statutes that are directly related to international terrorism and that are utilized regularly in international terrorism matters. These statutes prohibit, for example, terrorist acts abroad against United States nationals, the use of weapons of mass destruction, conspiracy to murder persons overseas, providing material support to terrorists or foreign terrorist organizations, receiving military style training from foreign terrorist organizations, and bombings of public places or government facilities. A complete list of Category I offenses is found in Appendix A.

Category II cases include defendants charged with violating a variety of other statutes where the investigation involved an identified link to international terrorism. These Category II cases include offenses such as those involving fraud, immigration, firearms, drugs, false statements, perjury, and obstruction of justice, as well as general conspiracy charges under 18 U.S.C. § 371. Prosecuting terror-related targets using Category II offenses and others is often an effective method – and sometimes the only available method – of deterring and disrupting potential terrorist planning and support activities. This approach underscores the wide variety of tools available in the U.S. criminal justice system for disrupting terror activity. Examples of Category II offenses are listed in Appendix B, and examples of Category II cases are described in Appendix C to illustrate the kinds of connections to international terrorism that are not apparent from the nature of the offenses of conviction themselves.

The chart includes the defendant's name, district, charging date, charges brought, classification category, conviction date and conviction charges. If a convicted defendant has been sentenced, the relevant date and sentence imposed is included. The chart is constantly being updated with new convictions, but currently includes only unsealed convictions from September 11, 2001 to March 18, 2010. The chart does not include defendants whose convictions remain under seal, nor does it include defendants who have been charged with a terrorism or terrorism-related offense but have not been convicted either at trial or by guilty plea. This chart does not include convictions related solely to domestic terrorism. Note that the chart maintained by the National Security Division is distinct from

statistics maintained by the Bureau of Prisons to track inmates with terrorist connections. The chart lists more than 150 defendants classified in Category I and more than 240 defendants classified in Category II.

The chart is organized by conviction date, with the most recent convictions first. The earliest defendants included on the chart were identified and detained in the course of the nationwide investigation conducted after September 11, 2001, and were subsequently charged with a criminal offense. Since then, additional defendants have been added who, at the time of charging, appeared to have a connection to international terrorism, even if they were not charged with a terrorism offense. The decision to add defendants to the chart is made on a case-by-case basis by career prosecutors in the National Security Division's Counterterrorism Section, whose primary responsibility is investigating and prosecuting international and domestic terrorism cases to prevent and disrupt acts of terrorism anywhere in the world that impact on significant United States interests and persons.

Appendix A

Category I Offenses

Aircraft Sabotage (18 U.S.C. § 32)

Animal Enterprise Terrorism (18 U.S.C. § 43)
Crimes Against Internationally Protected Persons (18 U.S.C. § § 112, 878, 1116, 1201(a)(4))
Use of Biological, Nuclear, Chemical or Other Weapons of Mass Destruction (18 U.S.C. §§ 175, 175b, 229, 831, 2332a)

Production, Transfer, or Possession of Variola Virus (Smallpox) (18 U.S.C. § 175c)

Participation in Nuclear and WMD Threats to the United States (18 U.S.C. § 832)
Conspiracy Within the United States to Murder, Kidnap, or Maim Persons or to Damage Certain Property Overseas (18 U.S.C. § 956)

Hostage Taking (18 U.S.C. § 1203)

Terrorist Attacks Against Mass Transportation Systems (18 U.S.C. § 1993)

Terrorist Acts Abroad Against United States Nationals (18 U.S.C. § 2332)

Terrorism Transcending National Boundaries (18 U.S.C. § 2332b)
Bombings of places of public use, Government facilities, public transportation systems and infrastructure facilities (18 U.S.C. § 2332f)

Missile Systems designed to Destroy Aircraft (18 U.S.C. § 2332g)

Production, Transfer, or Possession of Radiological Dispersal Devices (18 U.S.C. § 2332h)

Harboring Terrorists (18 U.S.C. § 2339)

Providing Material Support to Terrorists (18 U.S.C. § 2339A)

Providing Material Support to Designated Terrorist Organizations (18 U.S.C. § 2339B)

Prohibition Against Financing of Terrorism (18 U.S.C. § 2339C)

Receiving Military-Type Training from an FTO (18 U.S.C. § 2339D)

Narco-Terrorism (21 U.S.C. § 1010A)

Sabotage of Nuclear Facilities or Fuel (42 U.S.C. § 2284)

Aircraft Piracy (49 U.S.C. § 46502)
Violations of IEEPA (50 U.S.C. § 1705(b)) involving E.O. 12947 (Terrorists Who Threaten to Disrupt the Middle East Peace Process); E.O. 13224 (Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism or Global Terrorism List); and E.O. 13129 (Blocking Property and Prohibiting Transactions With the Taliban)

Appendix B

Examples of Category II Offenses

Crimes Committed Within the Special Maritime and Territorial Jurisdiction of the United States (18 U.S.C. §§ 7, 113, 114, 115, 1111, 1112, 1201, 2111)

Violence at International Airports (18 U.S.C. § 37)

Arsons and Bombings (18 U.S.C. §§ 842(m), 842(n), 844(f), 844(I))

Killings in the Course of Attack on a Federal Facility (18 U.S.C. § 930(c))

False Statements (18 U.S.C. § 1001)

Protection of Computers (18 U.S.C. § 1030)

False Information and Hoaxes (18 U.S.C. § 1038)

Genocide (18 U.S.C. § 1091)

Destruction of Communication Lines (18 U.S.C. § 1362)

Sea Piracy (18 U.S.C. § 1651)

Unlicensed Money Remitter Charges (18 U.S.C. § 1960)

Wrecking Trains (18 U.S.C. § 1992)

Destruction of National Defense Materials, Premises, or Utilities (18 U.S.C. § 2155)

Violence against Maritime Navigation and Maritime Fixed Platforms (18 U.S.C. §§ 2280, 2281)

Torture (18 U.S.C. § 2340A)

War Crimes (18 U.S.C. § 2441)

International Traffic in Arms Regulations (22 U.S.C. § 2778, and the rules and regulations promulgated thereunder, 22 C.F.R. § 121-130)

Crimes in the Special Aircraft Jurisdiction other than Aircraft Piracy (49 U.S.C. §§ 46503-46507)

Destruction of Interstate Gas or Hazardous Liquid Pipeline Facilities (49 U.S.C. § 60123(b))

Appendix C

Examples of Category II Terrorism-Related Convictions

Fort Dix Plot (conspiracy to murder members of the U.S. military). In 2008, following a jury trial in the United States District Court for the District of New Jersey, Ibrahim Shnewer, Dritan Duka, Shain Duka, Eljvir Duka and Serdar Tatar were convicted of violating 18 U.S.C. §1117, in connection with a plot to kill members of the U.S. military in an armed attack on the military base at Fort Dix, New Jersey. The defendants were also convicted of various weapons charges. The government's evidence revealed that one member of the group conducted surveillance at Fort Dix and Fort Monmouth in New Jersey, Dover Air Force Base in Delaware, and the U.S. Coast Guard in Philadelphia. The group obtained a detailed map of Fort Dix, where they hoped to use assault rifles to kill as many soldiers as possible. During the trial, the jury viewed secretly recorded videotapes of the defendants performing small-arms training at a shooting range in the Poconos Mountains in Pennsylvania and of the defendants watching training videos that included depictions of American soldiers being killed and of known Islamic radicals urging jihad against the United States.

Fawaz Damrah (citizenship fraud). In 2004, following a jury trial in the United States District Court for the Northern District of Ohio, Fawaz Damrah was convicted of violating 18 U.S.C. § 1425 for concealing material facts in his citizenship application. The government's evidence showed that in his citizenship application, Damrah concealed from the U.S. government his membership in or affiliation with the Palestinian Islamic Jihad (PIJ), a.k.a. the Islamic Jihad Movement in Palestine; the Afghan Refugees Services, Inc., a.k.a. Al-Kifah Refugee Center; and the Islamic Committee for Palestine. Damrah further concealed the fact that he had, prior to his application for U.S. citizenship, "incited, assisted, or otherwise participated in the persecution" of Jews and others by advocating violent terrorist attacks against Jews and others. During the trial, the government's evidence included footage of a 1991 speech in which Damrah called Jews "the sons of monkeys and pigs," and a 1989 speech in which he declared that "terrorism and terrorism alone is the path to liberation."

Soliman Biheiri (false statements and passport fraud). In 2003 and 2004, following two jury trials in the United States District Court for the Eastern District of Virginia, Soliman Biheiri was convicted of violating 18 U.S.C. §§ 1425 and 1546 for fraudulently procuring a passport, as well as 18 U.S.C. §§ 1001 and 1015 for making false statements to federal agents. Biheiri was the president of BMI, Inc., a New Jersey-based investment firm. The government's evidence showed that Biheiri had deliberately deceived federal agents during a June 2003 interview in which he denied having business or personal ties to Mousa Abu Marzook, a Specially Designated Global Terrorist and a leader of Hamas. In fact, the government's evidence showed that Biheiri had managed funds for Marzook both before and after Marzook was designated as a terrorist by the U.S. government in 1995. Specifically, the government presented files seized from Biheiri's computer showing that Marzook had invested $1 million in U.S. business ventures managed by Biheiri and his investment firm.

Mohammad Salman Farooq Qureshi (false statements). In 2005, following the entry of a guilty plea in the United States District Court for the Western District of Louisiana, Qureshi was convicted of violating 18 U.S.C. § 1001 for making false statements to the FBI regarding the nature and extent of his involvement with al-Qaeda member Wadih El Hage, and the non-

governmental organization Help Africa People. Qureshi was interviewed by the FBI in 1997, 1998, 2000, and 2004 in relation to terrorism crimes and during those interviews lied about his knowledge of El Hage, Help Africa People, and other al Qaeda members. The proffer filed in support of the plea agreement established Qureshi's connections to and contacts with El Hage, his contact with a subject under investigation in Oregon, and his activities and financial support of Help Africa People, a non-governmental organization believed to have been used by El Hage and others to provide cover identities and funds in connection with the 1998 attacks on the United States Embassies in Kenya and Tanzania. By Qureshi's admissions, at least $30,000 in Qureshi's funds were given to El Hage in Nairobi, Kenya. El Hage is serving a life sentence for his role in the East Africa Embassy bombings.

Sabri Benkahla (perjury, obstruction, false statements). In 2007, following a jury trial in the United States District Court for the Eastern District of Virginia, Sabri Benkahla was convicted on two counts of violating 18 U.S.C. §1623, for perjury, one count of violating 18 U.S.C. § 1503 for obstructing justice, and one count of violating 18 U.S.C. § 1001 for making false statements to the FBI. These false statements included denial of his involvement with an overseas jihad training camp in 1999, as well as his asserted lack of knowledge about individuals with whom he was in contact. The government's evidence revealed that the grand jury and FBI in 2004 sought to question Benkahla about his contacts with Ibrahim Buisir of Ireland, and Manaf Kasmuri of Malaysia, both of whom are Specially Designated Global Terrorists, as well as those with Ahmed Abu Ali, his friend and fellow student at the University of Medina, until both were arrested by Saudi authorities in June 2003. Further, the government's evidence revealed that the grand jury and FBI sought to question Benkahla about his contacts with an individual suspected of being Malik al-Tunisi, a facilitator for the al-Zarqawi terrorist network in Iraq.

Akram Musa Abdallah (false statements). In 2009, following the entry of a guilty plea in the United States District Court for the District of Arizona, Akram Musa Abdallah was convicted of violating 18 U.S.C. § 1001 for making false statements to the FBI. In January 2007, Abdallah knowingly made a false material statement to special agents of the FBI during an interview in connection with the federal investigation and prosecution of the Holy Land Foundation for Relief & Development (HLF) and its officers. At the time of the interviews, Abdallah knew the HLF was a Specially Designated Global Terrorist organization. Abdallah also knew that when he was interviewed, the HLF and its officers were pending trial in the United States District Court for the Northern District of Texas, for crimes including providing material support to a foreign terrorist organization. During the interviews, Abdallah told FBI agents he was not involved in fundraising activities for the HLF, when, in fact, between approximately 1994 and 1997, Abdallah was involved in numerous fundraising activities, including collecting donations, organizing, facilitating and coordinating fund raising events on behalf of the HLF in the Phoenix metropolitan area. In July 2004, the HLF and seven of its principals were indicted on a variety of charges stemming from its financial support of Hamas, and in November 2008, after a two-month trial, those defendants were convicted on all charges.

National Security Division Statistics on Unsealed International Terrorism and Terrorism-Related Convictions 9/11/01 - 3/18/10

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
1	Headley, David Coleman	NDIL	11-Oct-09	18/956; 18/2339A [Information filed 12/07/09 charging: 18/2332f(a)(2); 18/956; 18/2332(a)(1),(2) x 6; 18/2339A; 18/956(a)(1); 18/2339A; 18/2339B]	I	18-Mar-10	18/2332f(a)(2); 18/956; 18/2332(a)(1),(2) x 6; 18/2339A; 18/956(a)(1); 18/2339A; 18/2339B.		
2	Conde Rubio, Nancy	DDC	25-Sep-07	18/2339B x 2	I	17-Mar-10	18/2339B		
3	Afzali, Ahmad Wais	EDNY	19-Oct-09	18/1001	II	4-Mar-10	18/1001		
4	Zazi, Najibullah	EDNY	23-Sep-09	18/2332a(a)(2) & 3551 et seq [Superseding Information: 18/2332a; 18/956; 18/2339B]	I	22-Feb-10	18/2332a; 18/956; 18/2339B		
5	Siddiqui, Aafia	SDNY	02-Sep-08	18/2332(b); 18/1114; 18/111; 18/924(c)	I	03-Feb-10	18/2332(b); 18/1114; 18/111; 18/924(c)		
6	Taleb-Jedi, Zanaib	EDNY	29-Sep-06	18/2339B; [By information on 12/07/09: 50/1705(b)]	I	07-Dec-09	50/1705(b)		
7	Ali, Adarus Abdulle	DMN	27-Oct-09	18/1623(a) [by Information]	II	02-Nov-09	18/1623(a) [by Information]		
8	Alishtari, Abdul Tawala Ibn Ali (a/k/a Michael Mixon)	SDNY	14-Feb-07	18/2339C &2 , 18/2339A, 18/1956(a)(2)(A) & 2; 18/1349; 18/1343 & 2 [Superseding Information filed 9/29/09 charged him with 18/2339C and 18/371]	I	29-Sep-09	18/2339C, 18/371		
9	Sadequee, Ehsanul Islam	NDGA	19-Jul-06	18/956, 18/2332b, 18/2339B [3SI 12/08/09 2x 18/2339A & 2x 18/2339B]	I	12-Aug-09	2x 18/2339A(a); 2x 18/2339B(a)(1)	14-Dec-09	17 years, 30 years of supervised release
10	Al-Moayad, Mohammed Ali Hasan	EDNY	04-Jan-03	18/2339B	I	07-Aug-09	18/2339B	07-Aug-09	Time Served; ordered deported to Yemen
11	Zayed, Mohammed Mosheh Yahya	EDNY	04-Jan-03	18/2339B	I	07-Aug-09	18/2339B	07-Aug-09	Time Served; ordered deported to Yemen
12	Socrates, Nachimuthu	EDNY	14-Sep-06	18/2339B; 2x 18/371 & 3551	I	15-Jun-09	2x 18/371 & 3551		
13	Ahmed, Syed Haris	NDGA	23-Mar-06	18/2339A, 18/2339B, 18/956, 18/2332b	I	10-Jun-09	18/2339A [bench trial]	14-Dec-09	13 years
14	Kandasamy, Karunakaran	EDNY	21-May-07	18/2339B [6/09/09 Superseding Information: 18/2339B & 18/371, 3551]	I	09-Jun-09	18/2339B; 18/371, 3551		
15	Palpanathan, Vijayshanthar	EDNY	14-Sep-06	18/2339B	I	09-Jun-09	18/2339B		
16	Thavaraja, Pratheepan	EDNY	14-Sep-06	18/2339B; 18/371 & 3551	I	09-Jun-09	18/2339B; 18/371 & 3551		

National Security Division Statistics on Unsealed International Terrorism and Terrorism-Related Convictions 9/11/01 - 3/18/10

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
17	Vinayagamoorthy, Murugesu	EDNY	14-Sep-06	18/2339B; 2x 18/371 & 3551; 50/1705 (b), 18/2 & 3551	I	09-Jun-09	18/2339B		
18	Warsame, Mohammed Abdullah	DMN	20-Jan-04	2x 18/2339B, 3x18/1001	I	20-May-09	18/2339B	09-Jul-09	92 months, 3 years SR; ordered deported back to Canada at conclusion of sentence
19	Abraham, Patrick	SDFL	22-Jun-06	18/2339A, 18/2339B, 18/844(n), 18/2384	I	12-May-09	18/2339A, 18/2339B, 18/844(n)	19-Nov-09	112.5 months; 15 years SR
20	Augustin, Burson	SDFL	22-Jun-06	18/2339A, 18/2339B, 18/844(n), 18/2384	I	12-May-09	18/2339A, 18/2339B	18-Nov-09	72 months; 10 years SR
21	Augustine, Rotschild	SDFL	22-Jun-06	18/2339A, 18/2339B, 18/844(n), 18/2384	I	12-May-09	18/2339A, 18/2339B	18-Nov-09	84 months; 10 years SR
22	Baliste, Narseal	SDFL	22-Jun-06	18/2339A, 18/2339B, 18/844(n), 18/2384	I	12-May-09	18/2339A, 18/2339B, 18/844(n), 18/2384	20-Nov-09	162 months; 35 years SR
23	Phanor, Stanley Grant	SDFL	22-Jun-06	18/2339A, 18/2339B, 18/844(n), 18/2384	I	12-May-09	18/2339A, 18/2339B	19-Nov-09	96 months; 15 years SR
24	Kassir, Oussama	SDNY	06-Feb-06	2x 18/2339A; 18/2339A(a); 4x 2339B(a)(1); 2x 18/956(a); 18/842(p)(2)(A); 18/371; 18/229(a) [18/229(a) was dismissed]	I	12-May-09	2x 18/2339A; 18/2339A(a); 4x 2339B(a)(1); 2x 18/956(a); 18/842(p)(2)(A); 18/371	15-Sep-09	Life
25	Abdeliah, Akram	DAZ	19-Aug-08	18/1001	II	06-May-09	18/1001		
26	al-Marri, Ali Saleh Kalah	CDIL	26-Feb-09	2x 18/2339B	I	30-Apr-09	18/2339B	29-Oct-09	100 months; 3 years SR
27	Isse, Abdifatah Yusuf	DMN	19-Feb-09	18/ 2339A; 18/956	I	24-Apr-09	18/2339A		
28	Abdhir, Rahmat	NDCA	01-Aug-07	2x18/2339A, 13x50/1705(b), 18/1001	I	31-Mar-09	18/2339A		
29	Al Ghazi, Tareq Mousa	SDNY	29-May-07	18/2339B; 18/2332(b); 18/ 1114 and 1117; 18/2332g	I	17-Mar-09	18/2339B; 18/ 1114, 1117 & 3238; 18/2332g (a)(1), (b)(4) & 3238	01-Jul-09	25 years, 5 years SR
30	Al Delaema, Wesam	DDC	09-Sep-05	18/2332(b); 18/2332a(a)(1) & (a)(3); 18/924(c)(1)(A) & (c)(1)(B)(ii); 18/924(o)	I	26-Feb-09	18/2332(b)(2)		25 years; plus an additional 18 month sentence - (sentences are intended to be served concurrently)
31	Hassan, Kamal	DMN	11-Feb-09	18/USC 2339A; 18/2339B [both by Information]; 18/1001 [by supplemental information on 8/12/09]	I	18-Feb-09	18/USC 2339A; 18/2339B; and 18/1001 on 8/12/09		
32	Ranjha, Imdad Ullah	DMD	23-May-07	2x 18/1960(a); 18/1956(h)	II	05-Feb-09	18/1960(a)	24-Mar-09	Time Served; Supervised Release 2 years, Special Assessment $100

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
33	Vinas, Bryant Neal	EDNY	28-Jan-09	18/956 [by indictment]; 18/2332(b)(2), 18/2339B, 18/2339D [by Superseding Information]	I	28-Jan-09	18/2332(b)(2), 18/2339B, 18/ 2339D [Information]		
34	Ssbaratnam, Sahilal	EDNY	14-Sep-06	2x 18/2339B (a)(1); 2x 2332g (a)(1), (b)(1), (c)(1)	I	27-Jan-09	2x 18/2339B (a)(1); 2x 2332g (a)(1), (b)(1), (c)(1)		
35	Thanigasalam, Thiruthanikan	EDNY	14-Sep-06	2x 18/2339B (a)(1); 2x 2332g (a)(1), (b)(1), (c)(1)	I	27-Jan-09	2x 18/2339B (a)(1); 2x 2332g (a)(1), (b)(1), (c)(1)		
36	Sarachandran, Sathajhan	EDNY	14-Sep-06	3x 18/2339B (a)(1); 2x 2332g (a)(1), (b)(1), (c)(1) and 3551 et seq	I	26-Jan-09	3x 18/2339B (a)(1); 2x 2332g (a)(1), (b)(1), (c)(1) and 3551 et seq		
37	Yogarasa, Nadarasa	EDNY	14-Sep-06	2x 18/2339B	I	26-Jan-09	2x 18/2339B		
38	Sandhu, Parvez Mehmood	DMD	23-May-07	18/1960, 18/1956(h)	II	21-Jan-09	18/1956(h)	25-Mar-09	21 months, service of the sentence having begun September 20, 2007; 3 years SR
39	Ahmed, Khaleel	NDOH	13-Dec-07	18/956(a)(1) [18/2339A by Information on 1/15/09]	I	15-Jan-09	18/2339A		
40	Ahmed, Zubair A.	NDOH	13-Dec-07	18/956(a)(1) [18/2339A by Information on 1/15/09]	I	15-Jan-09	18/2339A		
41	Elahwal, Saleh	SDNY	15-Nov-06	2 x 18/2339B; 2x 18/2339B & 2; 4x 18/371; 3x 22/287c & 2; EO 13224; 31 CFR 594	I	30-Dec-08	18/2339B & 2	23-Jun-09	17 months; 3 years SR; 200 hours of community service; $7,500 fine
42	Iqbal, Javed	SDNY	15-Nov-06	2 x 18/2339B; 2x 18/2339B & 2; 4x 18/371; 3x 22/287c & 2; EO 13224; 31 CFR 594	I	23-Dec-08	18/2339B & 2	23-Apr-09	69 months; 3 years SR
43	Duka, Dritan	DNJ	07-May-07	18/1117; 18/1114; 18/2; 18/924(c)(1)(a); (c)(1)(B)(ii); 18/922(g)(5); 18/922(o)	II	22-Dec-08	18/1117; 18/2; 18/924(c)(1)(a); (c)(1)(B)(ii); 18/922(g)(5); 18/922(o)	28-Apr-09	Life plus 30 years
44	Duka, Elvir	DNJ	07-May-07	18/1117; 18/1114; 18/2; 18/924(c)(1)(a); (c)(1)(B)(ii); 18/922(g)(5)	II	22-Dec-08	18/1117; 18/922(g)(5)	28-Apr-09	Life
45	Duka, Shain	DNJ	07-May-07	18/1117; 18/1114; 18/2; 18/924(c)(1)(a), (c)(1)(B)(ii); 18/922(g)(5); 18/922(o)	II	22-Dec-08	18/1117; 18/2; 18/924(c)(1)(a); (c)(1)(B)(ii); 18/922(g)(5); 18/922(o)	28-Apr-09	Life plus 30 years
46	Shnewer, Mohamed Ibrahim	DNJ	07-May-07	18/1117; 18/1114; 18/2; 18/924(c)(1)(a); (c)(1)(B)(ii);	II	22-Dec-08	18/1117; 18/924(c)(1)(a); (c)(1)(B)(ii)	29-Apr-09	Life plus 30 years
47	Tatar, Serdar	DNJ	07-May-07	18/1117; 18/1114	II	22-Dec-08	18/1117	29-Apr-09	33 years
48	Shareef, Derick	NDIL	08-Dec-06	18/2332a; 18/844l by Complaint; Indictment returned 1-Jan-07 on 18/2332a.	I	28-Nov-08	18/2332a	30-Sep-08	35 years

National Security Division Statistics on Unsealed International Terrorism and Terrorism-Related Convictions 9/11/01 - 3/18/10

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
49	Abdulqader, Mufid	NDTX	26-Jul-04	1x 18/2339B; 1x 50/1701-1706; 1x 18/1956(h); 18/982(a)(1)	I	24-Nov-08	1x 18/2339B; 1x 50/1701-1706; 1x 18/1956(h); 18/982(a)(1)	27-May-09	20 years; 3 years SR
50	Abu Baker, Shukri	NDTX	26-Jul-04	10x18/2339B; 11x 50/1701-1706; 1x 18/1956(h); 10x 18/1956(a)(2)(A); 1x 26/7206(1); 1x 18/371; 18/982(a)(1)	I	24-Nov-08	10x18/2339B; 11x 50/1701-1706; 1x 18/1956(h); 10x 18/1956(a)(2)(A); 1x 26/7206(1); 1x 18/371; 18/982(a)(1)	27-May-09	65 years
51	Elashi, Ghassan	NDTX	26-Jul-04	10x 18/2339B; 11x 50/1701-1706; 1x 18/1956(h); 10x 18/1956(a)(2)(A); 1x 18/371; 2x 26/7206; 18/982(a)(1)	I	24-Nov-08	10x 18/2339B; 11x 50/1701-1706; 1x 18/1956(h); 10x 18/1956(a)(2)(A); 1x 18/371; 2x 26/7206; 18/982(a)(1)	27-May-09	65 years
52	El-Mezain, Mohammed	NDTX	26-Jul-04	10x 18/2339B; 11x 50/1701-1706; 1x 18/1956(h); 10x 18/1956(a)(2)(A)	I	24-Nov-08	18/2339B	27-May-09	15 years; 3 years SR
53	Odeh, Abulraham	NDTX	26-Jul-04	1x 18/2339B; 1x 50/1701-1706; 1x 18/1956(h); 18/982(a)(1)	I	24-Nov-08	1x 18/2339B; 1x 50/1701-1706; 1x 18/1956(h); 18/982(a)(1)	27-May-09	15 years; 3 years SR
54	Al Kassar, Monzer	SDNY	29-May-07	18/2339B; 18/2332(b); 18/ 1114 and 1117; 18/2332g; 18/1956	I	20-Nov-08	18/2339B; 18/2332(b); 18/ 1114 and 1117; 18/2332g; 18/1956	24-Feb-09	30 years
55	Godoy, Luis Felipe Moreno	SDNY	29-May-07	18/2339B; 18/2332(b); 18/ 1114 and 1117; 18/2332g; 18/1956	I	20-Nov-08	18/2339B; 18/2332(b); 18/ 1114 and 1117; 18/2332g; 18/1956	24-Feb-09	25 years
56	Chughtai, Mazhar Iqbal	DMD	23-May-07	8x 18/1960(a), 18/1956(h)	II	16-Sep-08	18/1956(h)	05-Dec-08	51 months, 2 years SR
57	Ranjha, Saifullah Anjum	DMD	23-May-07	14x 18/1960(a); 18/1956(h); 18/2339C(c)(1)(A); 14x 31/5313(a)	I	22-Aug-08	18/1956(h), 18/2339C(c)(1)(A)	04-Nov-08	110 months, 3 years SR, forfeit $2,208,000
58	Mohamed, Ahmed Abdellatif Sherif	MOFL	30-Aug-07	18/2339A; 18/842(p)(2)(A); 18/842(a)(3)(A); 26/5861(d) & 26/5871; 2x 18/922(g)(5)(B); 18/924(c) (1)(A) & B; and 6 counts forfeiture	I	18-Jun-08	18/2339A	18-Dec-08	180 months; 3 years SR; $100 SA
59	Amawi, Mohammad Zaki	NDOH	16-Feb-06	18/956(a)(1); 18/2339A; 18/842(p)(2)(A); 18/871	I	13-Jun-08	18/956(a)(1); 18/2339A; 2x 18/842(p)(2)(A)	21-Oct-09	20 years; Life on supervised release
60	El-Hindi, Marwan Othman	NDOH	16-Feb-06	18/956(a)(1); 18/2339A; 18/842(p)(2)(A), 18/1001	I	13-Jun-08	18/956(a)(1); 18/2339A; 2x 18/842(p)(2)(A)	21-Oct-09	13 years (includes sentence for sep. fraud conviction)
61	Mazloum, Wassim I.	NDOH	16-Feb-06	18/956(a)(1); 18/2339A	I	13-Jun-08	18/956(a)(1); 18/2339A	21-Oct-09	100 months (8.3 years); Life on supervised release
62	Paul, Christopher	SDOH	11-Apr-07	18/ 371 & 2339A; 18/2332a; 18/2339A	I	03-Jun-08	18/2332a(a)(1), (2), (3) and (b)	26-Feb-09	20 years
63	Hupper, Richard David	SDFL	13-May-08	2339B [by information]	I	21-May-08	2339B	21-Aug-08	46 months; 2 years SR; $15,000 fine
64	Chhun, Yasith	CDCA	31-May-05	18/956(a); 18/956(b); 18/371; 18/2332a(b)	I	16-Apr-08	18/956(a); 18/956(b); 18/371; 18/2332a(b)		

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
65	Abujihaad, Hassan	DCT	21-Mar-07	18/2339A, 18/793(d)	I	05-Mar-08	18/2339A, 18/793(d) (NOTE: on 3/4/09 the Court acquitted Abujihaad on the 2339A charge)	03-Apr-09	120 months; 3 years SR
66	Doudzai, Mohammad	DMD	31-Aug-06	18/371; 18/1505; 18/1001	II	04-Feb-08	18/371; 18/1505; 18/1001	18-Apr-08	8 months; 2 years SR
67	Naeem, Nadia	DMD	31-Aug-06	18/371; 18/1505; 18/1001	II	04-Feb-08	18/371; 18/1505; 18/1001	18-Apr-08	364 days; 2 years SR
68	Mubayyid, Muhammad	DMA	11-May-05	18/1001(a)(1), 18/371, 3x 26/7206(1), 26/7212(a)	II	11-Jan-08	18/1001(a)(1), 3x 26/7206(1), 26/7212(a), 18/371 [Dismissed 6/3/08: 18/371]	18-Jul-08	11 months; 3 years SR; $500 SA; $1000 fine
69	Munlasser, Emadeddin	DMA	11-May-05	18/1001(a)(1), 18/1001(a)(2), 18/371, [26/7212(a) dismissed 12/13/07]	II	11-Jan-08	18/1001(a)(1), 18/1001(a)(2), 18/371 [Dismissed 6/3/08: 18/371 & 1 count of 18/1001]	17-Jul-08	12 months; 3 years SR; $10,000 fine
70	Suleiman, Eyad	WDKY	02-Dec-03	18/371, 18/2315, 26/7206, 18/981, 28/2461	II	17-Dec-07	18/2315	20-Dec-07	108 Months ; 3 years SR; $100 SPA; $15,000 Fine; Restitution $1,243,162.04
71	Ponton Caro, Carmen Maria	SDFL	03-Jan-06	8/1324(a)(2)(B)(ii), 8/1324(a)(1)(A)(iv); 8/1324(a)(1)(B)(I); 18/2339B(a)(1); 18/1956(h); 18/1956(a)(3)(A) & 2; 18/371	I	07-Dec-07	18/2339B	25-Feb-08	70 months, 3 years SR, $100 assessment & removal
72	Salamanca, Victor Daniel	SDFL	03-Jan-06	8/1324(a)(2)(B)(ii); 8/1324(a)(1)(A)(iv); 8/1324(a)(1)(B)(I); 18/2339B(a)(1); 18/1956(h); 18/1956(a)(3)(A) & 2; 18/371	I	07-Dec-07	18/2339B	29-Feb-08	70 months, 3 years. SR, $100 assessment & removal upon completion of sentence
73	Gamboa, Edizon Ramirez	SDFL	03-Jan-06	18/371, 6x 8/1324	II	05-Dec-07	2x 8/1324	29-Feb-08	36 months, 3 years. SR, $200 assessment & removal upon completion of sentence
74	El-Shwehdi, Zuhair Hamed	SDOH	31-Oct-07	26/7206(1); 26/7212(a)	II	19-Nov-07	26/7206(1) & 7212(a)	29-Aug-08	3 years probation; $138,098.12 restitution
75	Nabil, Nabi	DMD	31-Aug-06	18/371; 18/1505; 18/1001; 18/1546	II	19-Nov-07	18/371; 18/1505; 18/1001; 18/1546	18-Jan-08	22 months; 3 years SR
76	Mulhana, Abdulla Kasem (or Qassem) Ahmed	EDCA	28-Sep-06	6x 18/1956(a)(3) [by Information filed 11/15/2007]	II	16-Nov-07	6x 18/1956(a)(3)	02-Jun-08	30 months, 3 years SR, $600SA
77	Moheisen, Jalal Sadat	SDFL	03-Jan-06	4x 18/2339B, 18/371, 6x 8/1324	I	14-Nov-07	18/2339B	25-Feb-08	70 months, 3 years. SR, $100 assessment & removal
78	Tapasco Romero, Nicolas Ricardo	SDFL	03-Jan-06	18/371, 6x 18/1324	II	14-Nov-07	18/371, 2x 18/1324	25-Feb-08	36 months, 3 years. SR, $300 assessment & removal
79	Abdullah, Agron	DNJ	07-May-07	18/922(g)(5); 18/371	I	31-Oct-07	18/371	31-Mar-08	20 months
80	Bautista Martinez, Jorge De Los Reyes	SDFL	03-Jan-06	8/1324(a)(2)(B)(ii); 8/1324(a)(1)(A)(iv); 8/1324(a)(1)(B)(I); 18/2339B(a)(1); 18/1956(h); 18/1956(a)(3)(A) & 2; 18/371	I	29-Oct-07	8/1324(a)(2)(B)(ii); 18/371	04-Jan-08	3 years

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
81	Ulloa Melo, Jose Tito Libio	SDFL	03-Jan-06	8/1324(a)(2)(B)(ii); 8/1324(a)(1)(A)(iv); 8/1324(a)(1)(B)(I); 18/2339B(a)(1); 18/1956(h); 18/1956(a)(3)(A) & 2; 18/371	I	29-Oct-07	18/2339B(a)(1)	04-Jan-08	30 months
82	Londono, Bernardo Valdes	SDFL	03-Jan-06	8/1324(a)(2)(B)(ii); 8/1324(a)(1)(A)(iv); 8/1324(a)(1)(B)(I); 18/2339B(a)(1); 18/371	I	22-Oct-07	18/2339B(a)(1)	04-Jan-08	30 months
83	Lopez, Julio Cesar	SDFL	03-Jan-06	8/1324(a)(2)(B)(ii); 8/1324(a)(1)(A)(iv); 8/1324(a)(1)(B)(I); 18/2339B(a)(1); 18/1956(h); 18/1956(a)(3)(A) & 2; 18/371	I	15-Oct-07	18/2339B	04-Jan-08	Time Served
84	Morales, Luis Alfredo Daza (aka Fernando)	SDFL	03-Jan-06	8/1324(a)(2)(B)(ii); 8/1324(a)(1)(A)(iv); 8/1324(a)(1)(B)(I); 18/2339B(a)(1); 18/1956(h); 18/1956(a)(3)(A) & 2; 18/371	I	15-Oct-07	18/2339B	04-Jan-08	30 months
85	Nguyen, Vinh Tan	CDCA	20-Dec-06	18/1544	II	15-Oct-07	18/1544	14-Nov-07	14 months; 2 years SR
86	Padilla, Jose	SDFL	17-Nov-05	18/956(a)(1); 18/371; 18/2339A	I	16-Aug-07	18/956(a)(1); 18/371; 18/2339A	22-Jan-08	208 months
87	Jayyousi, Kifan	SDFL	01-Dec-04	18/2339A, 18/956(a)(1), 18/371	I	16-Aug-07	18/956(a)(1); 18/371; 18/2339A	22-Jan-08	152 months
88	Hassoun, Adham	SDFL	08-Jan-04	18/2339A, 18/371; 18/956(a)(1), 922, 1001, 1621, 1505, 924; 21/853	I	16-Aug-07	18/2339A, 8/956(a)(1), 18/371	22-Jan-08	188 months
89	Ujaama, Earnest James	SDNY	13-Aug-07	2x 18/2339A, 18/1073; 18/371 (to violate 18/2339A)	I	13-Aug-07	3x18/2339A, 18/1073		
90	El-Zahabi, Mohammed	DMN	25-Jun-04	2x18/1001; 3x 18/1546(a) [added 12/6/05 in superseding indictment]	II	02-Aug-07	3x 18/1546(a)	14-Mar-08	Time Served
91	Abdi, Nuradin M.	SDOH	14-Jun-04	18/371, 2339A, 956; 2339B, 2x1546	I	31-Jul-07	18/2339A	31-Jul-07	10 years
92	Reynolds, Michael Curtis	MDPA	03-Oct-06	18/2339A; 18/2339B; 18/373; 18/842(p)(2); 2x 26/5841, 5861(d) & 5871	I	13-Jul-07	18/2339A; 18/2339B; 18/373; 18/842(p)(2); 1x 26/5841, 5861(d) & 5871	06-Nov-07	360 months; 3 years.SR; $500 special assessment
93	Pineda, Juvenal Ovidio Ricardo Palmera (aka Simon Trinidad)	DDC	13-May-04	18/2339A; 4x18/1203(a)	I	09-Jul-07	1x18/1203	28-Jan-08	60 years
94	Sabir, Rafiq Abdus	SDNY	27-Jun-05	2x18/2339B and 2	I	21-May-07	2x18/2339B and 2	30-Nov-07	300 months; 2 years SR
95	Varatharasa, Thirunavukarasu	DMD	03-Oct-06	18/2339B; 18/371 & 22/2778; 2x 18/1956(a)(2)(A), 18/924(c)	I	10-May-07	18/2339B, 22/2778	03-Jan-08	57 months

National Security Division Statistics on Unsealed International Terrorism and Terrorism-Related Convictions 9/11/01 - 3/18/10

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
96	Maldonado, Daniel Joseph	SDTX	02-Apr-07	18/2339D	I	19-Apr-07	18/2339D	20-Jul-07	10 years, $1000 fine, & 3 years SR
97	Osman, Haniffa Bin	DMD	19-Sep-06	18/2339B; 18/371 & 22/2778; 2x 18/1956(a)(2)(A), 18/924(c)	I	05-Apr-07	18/1956, 18/2339B	31-Oct-08	37 months; 3 years SR; $200 SA
98	Shah, Tarik	SDNY	27-Jun-05	18/2339B x3	I	04-Apr-07	18/2339B	07-Nov-07	15 years
99	Brent, Mahmud Faruq	SDNY	07-Nov-05	18/2339B x2	I	02-Apr-07	18/2339B	25-Jul-07	15 years
100	Rodriguez-Acevedo, Hector	SDFL	20-May-05	18/2332B, 18/924(o), 21/963, 21/846, 21/853	I	27-Mar-07	2339B	15-Jun-07	50 months, 2 years SR w/ credit for Time Served in US and Columbia
101	Subandi, Haji	DMD	19-Sep-06	18/2339B; 18/371 & 22/2778; 2x 18/1956(a)(2)(A), 18/924(c) [& charged 10/03/06 w/ 18/371, 18/1956(a)(2)(A), 22/2778]	I	08-Mar-07	18/2339B; 18/1956(a)(2)(A) [& 18/1956(a)(2)(A); 22/2778 in separate plea]	14-Dec-07	37 months; 3 years SR; $200 SA
102	Wotulo, Erick	DMD	19-Sep-06	18/2339B; 18/371 & 22/2778; 2x 18/1956(a)(2)(A), 18/924(c)	I	23-Feb-07	18/2339B, 18/1956	10-Jul-08	30 months & 3 years SR
103	Benkahla, Sabri	EDVA	09-Feb-06	18/1623; 18/1503; 18/1001 (a)	II	05-Feb-07	18/1623; 18/1503; 18/1001 (a)	24-Jul-07	121 months , 3 years SR, $17,500 fine
104	Ashqar, Abdelhaleem Hasan Abdelrazziq	NDIL	19-Aug-04	18/1962, 18/401(3) & 1503	II	01-Feb-07	18/401(3) & 1503	21-Nov-07	135 months
105	Salah, Muhammad Hamid Khalil	NDIL	19-Aug-04	18/2339B (dismissed before trial); 18/1962, 18/1503	II	01-Feb-07	18/1503	11-Jul-07	21 months
106	Rusli, Reinhard	DMD	03-Oct-06	18/371, 18/1956(a)(2)(A), 18/2778	II	31-Jan-07	18/1956(a)(2)(A), 18/2778	27-Apr-07	12 months & 1 day for each count (to run concurrently); 2 years SR for each count (concurrent)
107	Soedirdja, Helmi	DMD	03-Oct-06	18/371, 18/1956(a)(2)(A), 18/2778	II	31-Jan-07	18/1956(a)(2)(A), 18/2778	27-Apr-07	12 months & 1 day for each count (to run concurrently); 2 years SR for each count (concurrent)
108	Qazi, Shiraz Syed	SDTX	28-Nov-06	18/922(g)(5)(B) & 924(a)(2)	II	30-Jan-07	18/922(g)(5)(B) & 924(a)(2)	17-May-07	10 months; 3 years SR
109	Subeh, Mohammed	WDNY	22-Apr-04	3x 18/1001 [& 1x 18/1001 by Superseding Information]	II	04-Jan-07	18/1001 (a)(1)	07-May-07	1 yr probation; fine of $250 and a SA of $100
110	Awan, Khalid	EDNY	08-Mar-06	18/2339A, 18/1956 (a)(2)(A)	I	20-Dec-06	18/2339A, 18/1956 (a)(2)(A)	12-Sep-07	14 years
111	Kamran, Irfan	DCO	26-Mar-03	3x18/371, 4x8/1324, 3x18/1001	II	29-Nov-06	18/3 (by Information)	29-Nov-06	Time Served

National Security Division Statistics on Unsealed International Terrorism and Terrorism-Related Convictions 9/11/01 - 3/18/10

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
112	Qayyum, Abdul	DCO	26-Mar-03	3x18/371, 4x 8/1324, 3x 18/1001	II	29-Nov-06	18/1001	29-Nov-06	1 year probation
113	Williams, Kobie Diallo	SDTX	22-Nov-06	18/371, 18/922(g)(5)(B), 50/1705(b)	I	28-Nov-06	18/371	07-Aug-09	54 months, $5000 fine; 3 years SR
114	Farhane, Abdulrahman (or Abdul Rah)	SDNY	08-Feb-06	18/2339A, 18/1001 [11/09/06 Superseding Information: 18/371 & 18/1001(a)(2)]	I	09-Nov-06	18/371, 18/1001	16-Apr-07	13 years (156 months); 2 years SR
115	Shorbagi, Mohamed	NDGA	28-Aug-06	18/2339B	I	13-Oct-06	18/2339B	27-Feb-07	92 months
116	Aref, Yassin Muhiddin	NDNY	06-Aug-04	18/2339A, 18/2339B, 18/1956, 18/1546, 18/1001	I	11-Oct-06	18/1956(h); 18/2339A; 18/2339B, 18/1956(a)(3)(B); 18/1001	08-Mar-07	15 years
117	Hossain, Mohammed Mosharref	NDNY	06-Aug-04	18/2339A, 18/2339B, 18/1956	I	11-Oct-06	18/2339A, 18/2339B, 18/1956, (all counts)	08-Mar-07	15 years
118	Grecula, Ronald	SDTX	16-Jun-05	18/2332B	I	21-Sep-06	18/2339B	13-Feb-07	5 years, 3 years SR
119	Berro, Lina (aka Lina Reda)	EDMI	20-Apr-05	18/1001, 18/982	II	14-Aug-06	18/1001	20-Dec-06	1 year probation
120	Berro, Noura	EDMI	26-Apr-04	18/371, 18/157, 18/1344, 18/1956, 18/982	II	14-Aug-06	18/371 (conspiracy to commit bank and mail fraud)	30-Jan-07	8 months; 2 years SR; $124,549 restitution w/husband Sami Berro (also charged)
121	Berro, Sami Ahmad	EDMI	26-Apr-04	18/371, 18/1344, 18/1001, 18/982	II	14-Aug-06	18/371 (conspiracy to commit bank and mail fraud)	30-Jan-07	27 months; 2 years SR; $124,549 restitution w/wife Noura Berro (also charged)
122	Berro, Sadek	EDMI	26-Apr-04	18/371,18/157, 18/1344, 18/1956, 18/1962, 18/982	II	11-Aug-06	18/1962 (d)	31-Jan-07	78 months; 3 years SR; restitution $1,224,003
123	Berro, Zeinab	EDMI	26-Apr-04	18/371, 18/157, 18/1344, 18/1956, 18/982	II	11-Aug-06	18/371	31-Jan-07	15 months, 3 years SR, restitution $554,878
124	Berro, Atmira Ali-Sadek	EDMI	20-Apr-05	18/1344	II	09-Aug-06	18/1344	24-Jan-07	1 day with Time Served; 3 years SR
125	Berro, Houda Mohamad	EDMI	20-Apr-05	18/1344, 18/1956, 18/982, 18/371	II	09-Aug-06	18/1344	12-Dec-06	12 months' and 1 day
126	Berro, Abdul Halim	EDMI	26-Apr-04	18/371, 18/157, 18/1344, 18/1956, 18/982	II	09-Aug-06	18/371	12-Dec-06	35 months, $421,120 restitution
127	Berro, Abdulamir	EDMI	26-Apr-04	18/371, 18/1344, 18/1956-1957, 18/1001, 18/1349, 18/1962, 18/982	II	03-Aug-06	18/1962	05-Dec-06	70 months, $669,125 restitution

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	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
128	El-Sablani, Bilal	EDMI	26-Apr-04	18/371, 18/157, 18/1344, 18/1956, 18/982	II	03-Aug-06	18/371	02-Jul-08	1 day; 3 years SR; $ 489,174.25 restitution
129	Berro, Abdul Karim Akram	EDMI	20-Apr-05	18/1001, 18/982	II	31-Jul-06	18/1001	30-Nov-06	10 months, 2 years SR
130	Farhat, Amira Ali	EDMI	20-Apr-05	18/1344, 18/1001, 18/1349, 18/982, 18/371	II	31-Jul-06	18/1344	16-Jan-07	12 months, 1 day, $4000 fine, forfeiture $72,611
131	Farhat, Ali Abdul Karim	EDMI	26-Apr-04	18/371, 18/1344, 18/1956-1957, 18/1001, 18/1341, 18/1349, 18/1962, 18/982	II	31-Jul-06	18/1962	21-Feb-07	74 months., $669,125 restitution, forfeiture of business & residential property
132	Murshed, Ahmed	WDNY	06-Dec-01	8/1324	II	27-Jul-06	8/1324	13-Nov-06	Time Served, 2 years SR; and deportation proceedings pursuant to Title 18/ 3583(d).
133	Berro, Akram Abdul Karim	EDMI	26-Apr-04	18/371, 18/157, 18/1344, 18/1956, 18/1349, 18/982	II	25-Jul-06	18/1344, 18/157, 18/371, 18/1956, 18/1349	18-Jan-07	44 months each of the 9 counts (concurrent) & restitution
134	Berro, Jamal Saadallah	EDMI	26-Apr-04	18/371, 18/157, 18/1344, 18/1956, 18/1349, 18/982	II	25-Jul-06	18/371, 18/157, 18/1344, 18/1956, 18/1349	18-Jan-07	46 months each of the 9 counts (concurrent) & restitution
135	Peters, Troy M.	EDNY	22-May-02	18/1962, 15/78j(b) & 78ff; 18/1951; 18/1503; 18/371	II	25-Jul-06	18/1951 [on CR-00521] & 15/78j(b) & 78ff [on CR-00620]	10-Dec-07	Time Served; special assessment $200; $706,300 restitution
136	Albanna, Mohamed	WDNY	17-Dec-02	18/1960, 18/982, 31/5313, 26/7206	II	23-Jun-06	18/1960	30-Nov-06	5 years
137	Fariz, Hatim Naji (Hatem)	MDFL	19-Feb-03	18/2339B, 18/1962, 18/956, 18/1952, 18/371, 50/1701-1705	I	21-Jun-06	50/1701-1705	25-Jul-06	37 months; 2-3 years SR
138	Jaber, Arwah	WDAR	11-Aug-05	18/2339B(a)(1), 42/408(a)(7)(B), 18/1015(a), 18/1542 and 18/1425	I	19-Jun-06	42/408(a)(7)(B), 18/1015(a), 18/1542 and 18/1425	16-Nov-06	15 months, 3 years SR, $2,000 fine.
139	Chandia, Ali Asad	EDVA	15-Sep-05	18/2339A x2, 18/2339B x2	I	06-Jun-06	18/2339A, 18/2339B x2	25-Apr-08	180 months.
140	Hayat, Umer	EDCA	31-May-06	18/1001 (information)	II	31-May-06	18/1001	25-Aug-06	Time Served and a $3600 fine
141	Siraj, Shahawar Matin	EDNY	09-Feb-05	18/844(i), 18/1993(a)(1), 18/1993(a)(3); 18/2332f(a)(1)(B)	I	24-May-06	18/844(i), 18/1993(a)(1), 18/1993(a)(3); 18/2332f(a)(1)(B)	08-Jan-07	30 years
142	Nasser, Saleh Alli	EDMI	18-Jul-05	18/371, 21/841A, 18/1960, 31/5324, 18/1546	II	11-May-06	18/1546	16-Nov-06	3 years probation; deportation
143	Omian, Monasser	EDMI	12-Apr-05	18/371, 18/1960, 18/1001, 31/5324, 18/1546, 18/1425	II	11-May-06	18/371, 31/5324	11-Aug-06	30 months in custody, 2 years SR, a $200 SA, & forfeiture approx. $200K cash & $9,693,669 in substitute assets

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
144	Omian, Sadik	EDMI	06-Apr-05	18/371, 18/1960, 18/1001, 31/5324, 18/1546	II	11-May-06	18/371, 31/5324, 18/1001	11-Dec-06	12 months & 1 day in custody, 2 years SR, $300 SA, forfeit $200,000cash & $5,391,000 sub assets
145	Wasil, Jarallah	EDMI	06-Apr-05	18/371, 18/1960, 18/1425, 21/841(a)(1), 31/5324, 31/5332	II	11-May-06	18/371, 18/1425, 31/5324, 21/841(a)(1)	11-Aug-06	[illegible] in custody, 5 years SR, $100 SA, and forfeiture of approx $200K cash & $9,693,669 in substitute assets; possibility of deportation
146	Hayat, Hamid	EDCA	07-Jun-05	18/2339A, 3x 18/1001	I	25-Apr-06	18/2339A, 3x 18/1001	10-Sep-07	288 months, 120 months SR
147	Wu, Chao Tung	CDCA	17-Aug-05	18/2332g; 2x 21/846, 7x 21/841; 2x 18/2342; 18/2320 [& 18/371 on 05-cr-00805]	I	19-Apr-06	18/2332g; 2x 21/846; 18/2342; 18/2320 [& 18/371]		
148	Al-Arian, Sami Amin	MDFL	19-Feb-03	18/2339B, 1962, 956, 371, 1952, 1425, 1505, 1956	I	17-Apr-06	18/371	01-May-06	57 months, 3 years. SR
149	Shah, Syed Mustajab	SDCA	30-Oct-02	21/846, 841; 21/952, 960, 963, 18/2339B	II	30-Mar-06	21/841, 18/2339B	25-Sep-06	225 months, 5 years SR, $200 SA
150	Awada, Monir	CDCA	14-Jan-03	2x 31/5332, 5322(a)	II	03-Feb-06	1x 31/5332, 5322(a)	03-Feb-06	1 year probation
151	Rahal, Nemr Ali	EDMI	19-May-05	18/371; 18/1344; 18/1029	II	17-Jan-06	18/1344	27-Apr-06	33 months., 3 years SR, $416,783 restitution; $5K forfeiture; $100 SA
152	Maatouk, Fadi Mohammed	MDFL	10-Nov-04	18/1956, 18/1014; 18/371; 18/1001; 21/863	II	13-Jan-06	18/371	25-May-06	60 months, 5 years SR, $100SA, & $58K forfeiture; if deported can't return w/o permission
153	Rania M. Fawaz Rahal	EDMI	19-May-05	18/371; 18/1344	II	03-Jan-06	18/371	27-Apr-06	1 yr probation, $100 SA
154	FNU LNU ("Abdulhakeem Nour," "Noureddine Malki," "Almalki Nour")	EDNY	09-Nov-05	2x 18/1001 (a)(2); 18/1425 (a) & 3551 et seq.	II	20-Dec-05	2x 18/1001 (a)(2); 18/1425 (a) & 3551 et seq.	19-May-08	121 months; 3 years SR; subject to deportation [total for 2 dockets]
155	Paracha, Uzair	SDNY	08-Aug-03	2x18/2339B, 2x 50/1705(b), 18/1028 A	I	23-Nov-05	2x18/2339B, 2x 50/1705(b), 18/1028 A	20-Jul-06	360 months; 5 years SR; $500 SA
156	Abu Ali, Ahmed Omar	EDVA	03-Feb-05	18/2339B, 2339A, 50/1705(b), 18/1751(d), 18/32, 49/46502	I	22-Nov-05	18/2339B, 2339A, 50/1705(b), 18/1751(d), 18/32, 49/46502	27-Jul-09	Life
157	Mohamed, Omar Abdi	SDCA	19-Dec-03	18/1546(a), 18/1015(a)	II	28-Oct-05	18/1546, 18/1015	20-Dec-05	18 months, 3 years. SR
158	Gujar, Tariq	NDNY	05-Oct-05	26/7202 (Information)	II	07-Oct-05	26/7202	27-Jan-06	3 years probation, $5000
159	Makki, Ali	EDMI	26-Jun-03	18/2320, 18/371, 18/1956	II	05-Oct-05	18/371, 18/1956 [& 18/1623 from Information filed in NDTX]	02-Feb-06	2 years probation on each count (concurrent); $10,190 restitution

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160	Makki, Tarek	EDMI	25-Jun-03	18/2320, 18/1001, 18/371, 18/1956	II	05-Oct-05	18/2320, 18/1001, 18/371, 18/1956	14-Mar-06	24 months, $879, 056 restitution
161	Elfgeeh, Abad	EDNY	04-Feb-03	18/1960, 18/371, 31/5324	II	21-Sep-05	18/1960, 18/371, 31/5324	03-Feb-06	188 months & 5 years SR
162	Elfgeeh, Aref	EDNY	03-Feb-03	18/1960, 18/371	II	21-Sep-05	18/1960, 18/371	07-Feb-06	51 months
163	Maatouk, Ali	MDFL	10-Feb-05	18/371; 8/1325	II	14-Sep-05	8/1325	07-Oct-05	24 months probation
164	Khalil, Naji Antoine Abi	SDNY	16-Jun-04	18/2339B, 50/1705, 18/371	I	09-Aug-05	18/2339B, 50/1705, 18/371	02-Feb-06	57 months on Arkansas charges; 57, 60 & 60 months on SDNY charges (all will run concurrently); 3 years SR; $100,000 rest.
165	Grinberg, Tomer	SDNY	16-Jun-04	18/371	II	28-Jul-05	18/371	12-Apr-06	6 months; 2 years SR
166	Wingate, Lynn	EDNY	22-May-02	18/1962; 18/1503; 18/371	II	23-Jun-05	18/1503	21-Jul-06	3 years probation, $2500 fine
167	Al-Uqaily, Ahmed Hassan	MDTN	07-Oct-04	18/922(o), 18/924(a), 26/584126/5861(d), 26/5871 & 18/2	II	31-May-05	18/922(o), 26/5861(d)	24-Oct-05	57 months, 3 years SR
168	Villalobos, Herbert	EDVA	23-May-05	18/1028 and 2	II	23-May-05	18/1028 and 2	29-Jul-05	4 months, 2 years SR
169	Wagner, Michael	SDIA	27-Jul-04	18/922, 18/931, 18/1001	II	29-Apr-05	18/1001	02-May-05	Time Served
170	Walker, Mark Robert	WDTX	09-Dec-04	2x 50/1705	I	28-Apr-05	50/1705	28-Apr-05	24 months; 3 years SR; $100 SA
171	Lakhani, Hemant	DNJ	18-Dec-03	18/2339A, 22/2778, 18/1956, 18/542	I	27-Apr-05	18/2339A, 22/2778, 18/1956, 18/542	12-Sep-05	47 years
172	Berro, Hussein A.	EDMI	26-Apr-04	18/371, 18/157, 18/1344	II	27-Apr-05	18/157	24-Oct-06	14.5 months
173	Al-Timimi, Ali	EDVA	23-Sep-04	50/1705, 18/371, 18/924(c)&A, 18/844(h), 18/2384, 18/373	I	26-Apr-05	50/1705, 18/371, 18/924(c)&A, 18/844(h), 18/2384, 18/373	13-Jul-05	Life
174	Jamal, Samih Fadl	DAZ	13-Mar-03	18/371, 18/2314, 18/2315, 18/1956 & 1957, 18/1001, 31/5322(a), 8/1324	II	26-Apr-05	8/1324, 18/2314, 18/2315, 18/1956, 18/1001, 31/5322, 18/371	07-Oct-05	120 months, 3years SR

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
175	Moussaoui, Zacarias	EDVA	11-Dec-01	18/2332A, 18/2332B, 18/844, 18/1114, 49/46502, 18/32	I	22-Apr-05	18/2332A, 18/2332B, 18/844, 18/1114, 49/46502, 18/32	04-May-06	Life
176	Barrera-De Amaris, Fanny Cecilia	SDTX	21-May-03	18/2339B	I	14-Apr-05	18/2339B	01-Dec-05	61 months
177	Berjaoui, Issam	EDMI	29-Jan-03	18/371, 18/1956	II	11-Apr-05	18/1956	12-Sep-06	17 months
178	Abodayah, Akrem	DNJ	03-Dec-03	21/844	II	01-Apr-05	21/844	15-Jun-05	Time Served (6 months)
179	Kourani, Mahmoud Youssef	EDMI	19-Nov-03	18/2339B, 18/371	I	01-Mar-05	18/371	14-Jun-05	54 months, 3years SR, SA
180	Carpenter, Cedric	SDMS	31-Aug-04	18/2339B; 18/371, 21/846, 21/853, 18/922	I	28-Feb-05	18/2339B, 18/922	20-May-05	66 months for 18/2339A ; 3 yr SR; each w/ $2000 fine & $100 SA
181	Ranson, Lamont	SDMS	31-Aug-04	18/2339B, 18/371, 21/846, 21/853	I	28-Feb-05	18/2339B	20-May-05	29 months; 3 years SR; $2000 fine; $100 SA
182	Gamarra-Murillo, Carlos	MDFL	18-Aug-04	21/841, 18/924, 22/2778, 2339B	I	11-Feb-05	22/2778, 18/2339B	08-Aug-05	120 months, 3 years SR
183	Qureshi, Mohammad Salman Farooq	WDLA	13-Oct-04	4x18/1001	II	11-Feb-05	18/1001	25-Aug-05	48 months, w/ credit Time Served, 3 years SR (to be suspended if return to Pakistan)
184	Dhafir, Rafil	NDNY	19-Feb-03	50 / 1701 et seq; 18/1956, 18/371, 26/7201C, 26/7201, 18/1001, 18/1546, 18/1347, 18/1343, 18/1341	I	10-Feb-05	2x 18/371; 13x 18/1956; 26/7206; 6x 26/7201; 18/1546; 26x 18/1347; 18/1001; 4x 18/1343	27-Oct-05	264 months; 3 years SR
185	Sattar, Ahmed Abdel	SDNY	09-Apr-02	2x18/2339B, 373, 371, 1001, 956	I	10-Feb-05	2x18/2339B, 373, 371, 1001, 956		
186	Stewart, Lynne	SDNY	09-Apr-02	2x18/2339B, 2x18/2339A, 373, 371, 1001	I	10-Feb-05	2x 18/2339B, 2x18/2339A, 373, 371, 1001		
187	Yousry, Mohammed	SDNY	09-Apr-02	2x18/2339B, 2x18/2339A, 373, 371, 1001	I	10-Feb-05	2x 18/2339B, 2x18/2339A, 373, 371, 1001		
188	Elgindy, Amr I.	EDNY	22-May-02	3x 18/1951(a); 18/1962(d); 14x 15/78(j)(b) & 78ff; 11x 18/1343; 2x 18/371; 18/1503 [& 2x 18/1001; 18/3147]	II	24-Jan-05	18/1962(d); 2x 18/1951(a); 5x 15/78(j)(b) & 78ff; 2x 18/1343; 18/371 [& 2x 18/1001; 18/3147 on 8/01/05]	19-Jun-06	135 months; 3 years SR; SA $1400; forfeiture of $1,568,000
189	Royer, Jeffrey	EDNY	22-May-02	18/1962, 7x 15/78(b) & 78ff; 3x 18/1951; 18/1503; 18/1512(2)(B); 2x 18/371	II	24-Jan-05	18/1962; 2x 18/371, 18/1503, 18/1512, 4x 15/78(j)(b) & 78ff;	02-Oct-06	72 months ; 3 years SR; Special assessment of $900
190	Al Mosaleh, Ali Mohammed	DMN	28-Jul-04	3x18/1001	II	29-Dec-04	18/1001	29-Dec-04	Time Served, 3 years SR

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191	Mohamed, Zameer	CDCA	21-May-04	18/844(e)	II	21-Dec-04	18/844(e)	31-Mar-05	60 months., 3 years SR
192	Steitiye, Ali Khaled	DOR	16-Mar-04	18/922	II	19-Nov-04	18/922	01-Jun-05	60 months
193	El Hage, Saleh Eldin Ali	SDTX	17-Sep-04	8/1326	II	17-Nov-04	8/1326	18-Feb-05	6 months, 1 yr. SR, $100
194	Ayesh, Hasan Ali	EDAR	05-Mar-04	31/5324, 18/1343, 18/1425	II	16-Nov-04	31/5324, 18/1343, 18/1425	13-May-05	5 years probation, $400 SA
195	Benmoumen, Elmeliani	WDPA	10-Nov-04	18/371	II	10-Nov-04	18/371	29-Dec-04	Time Served, SR 12 months
196	Puerta, Edgar Fernando Blanco (Commandante Emilio)	SDTX	04-Dec-02	18/2339B, 21/841, 21/846	I	25-Oct-04	18/2339B, 21/841, 21/846	31-May-06	Life
197	Shaikh, Kamran (aka Kamran Akhtar)	WDNC	05-Aug-04	4x 18/1001, 8/1253, 18/1028	II	12-Oct-04	3x 18/1001, 8/1253, 18/1028	24-Jan-05	Time Served; 3 years SR
198	Biheiri, Soliman	EDVA	06-May-04	18/1001 x2; 18/1546	II	12-Oct-04	18/1546 (pleaded), 18/1001 (convicted)	14-Jan-05	13 months., 1 day w/ credit for Time Served
199	Ahmed, Farida	SDTX	16-Aug-04	8/1325; 18/1001, 18/1543	II	27-Sep-04	8/1325; 18/1001, 18/1543	13-Dec-04	Time Served; 3 years SR
200	Raja, Manthena	DNJ	10-Sep-04	18/1956	II	10-Sep-04	18/1956	20-Oct-05	24 months., 3 years SR
201	Khan, Imran	DCO	26-Mar-03	2x18/371, 18/1028	II	31-Aug-04	18/1028	31-Aug-04	Time Served
202	Elshafay, James	EDNY	27-Aug-04	18/844	II	27-Aug-04		02-Mar-07	5 years, 3 years SR
203	Turner, Yildirim Beyozit	EDPA	23-Jul-04	18/844(e) Complaint; Charged with 18/1001 by Information 8/9/04	II	25-Aug-04	18/1001	25-Aug-04	Time Served; Immediate Deportation to Turkey
204	Nasrallah, Hussein	EDMI	29-Jan-03	18/1344, 18/513(a)	II	17-Aug-04	18/1344	05-Apr-05	1 day ; 3 years SR; $35K restitution; $100 SA
205	al-Amoudi, Abdurahman Muhammad	EDVA	28-Sep-03	50 /1701 et seq., 18/1001, 18/2332d, 18/1956, 31/5324, 18/1544, 18/1425, 31/5322, 26/7206(1), 26/7212(a)	I	30-Jul-04	50/1705, 18/1425, 26/7212	14-Oct-04	23 years
206	Elashi, Basman	NDTX	20-Feb-02	50 / 1701 et seq., 18/1001, 18/371, 18/1956, 18/1957	I	07-Jul-04	50/1701, 18/1001, 18/371, 18/1957	13-Oct-06	80 months incarceration (for INFOCOM I and INFOCOM II trials)

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
207	Elashi, Bayan	NDTX	20-Feb-02	50/ 1701 et seq., 18/1001, 18/371, 18/1956, 18/1957	I	07-Jul-04	50/1701, 18/1001, 18/371, 18/1957	11-Oct-06	7 years (84 months) incarceration, 3 years SR (for INFOCOM I and INFOCOM II trials)
208	Elashi, Ghassan	NDTX	20-Feb-02	50 / 1701 et seq., 18/1001, 18/371, 18/1956, 18/1957	I	07-Jul-04	50/1701 (Syria only), 18/1001, 18/371, 18/1957	12-Oct-06	80 months incarceration, 3 years SR (for INFOCOM I and INFOCOM II trials)
209	Elashi, Hazim	NDTX	20-Feb-02	50/ 1701 et seq., 18/1001, 18/371, 18/1956, 18/1957	I	07-Jul-04	50/1701, 18/1001, 18/371, 18/1957	24-Jan-06	66 months; reduced to 60 months on 2/1/06
210	Damrah, Fawaz Mohammed	NDOH	16-Dec-03	18/1425	II	17-Jun-04	18/1425	20-Sep-04	2 months + 4 months house arrest, denaturalization
211	Alferahin, Osama Musa	DAZ	15-Sep-03	18/1425(a)	II	16-Jun-04	18/1425(a)	22-Sep-04	Time Served, 36 months SR + denaturalization & deport
212	Romero-Panchano, Carlos Adolfo	SDTX	21-May-03	18/2339B	I	09-Jun-04	18/2339B	01-Dec-05	36 months
213	Babar, Mohammed Junaid	SDNY	03-Jun-04	2x18/2339A, 2x2339B, 50/1705	I	03-Jun-04	2x18/2339A, 2x2339B, 50/1705		
214	Hassan, Abdulghefur Abdul	EDNY	13-Feb-03	31/5324, 18/371	II	01-Jun-04	31/5324	06-Jan-05	36 months., 3 years SR
215	Hameed, Moinuddeen Ahmed	DNJ	13-Aug-03	18/371 (to violate 18/1960) [by Information 04/20/2004]	II	19-Apr-04	18/371 (to violate 18/1960)	06-Jun-05	Time Served; 2 years SR
216	Abraham, Yehuda	DNJ	19-Aug-03	18/1960	II	30-Mar-04	18/1960	14-Nov-05	2 years probation; $10,000 fine
217	Daher, Mohamad	EDMI	23-Jan-03	18/1962(d), 18/1029 & 18/2	II	09-Mar-04	18/1962(d)	18-Aug-04	3 years probation; $60K restitution; $100 SA
218	Fawaz, Issam Hassan	EDMI	23-Jan-03	18/1962(d), 18/1029	II	09-Mar-04	18/1962(d)	14-Jul-04	15 months; 2 years SR; $100 SA; $5000 Fine
219	Abdur-Raheem, Hammad	EDVA	25-Jun-03	18/2339A, 18/ 371, 18/960, 18/924(b)&(c)&(g)&(h)	I	04-Mar-04	18/371, 18/2339A, 18/924(o)	29-Jul-05	52 months, on each count (reversed 9/1/06 and re-sentenced on 8/16/07 to 52 months, total)
220	Chapman, Seifullah	EDVA	25-Jun-03	18/2339A, 18/371, 18/960, 18/924(c)&(h)&(o), 18/1001	I	04-Mar-04	18/371, 18/2339A, 18/924(o)	29-Jul-05	780 months.
221	Khan, Masoud Ahmad	EDVA	25-Jun-03	50/1705, 18/2339A, 18/2339B, 18/371, 18/2384, 18/960, 18/924(c)&(o)	I	04-Mar-04	18/371, 18/2384, 50/1705, 18/2339A, 18/924(c)&(o)	29-Jul-05	Life
222	Atridi, Muhammed Abid	SDCA	30-Oct-02	21/846, 841; 21/952, 960, 963; 18/2339B	I	03-Mar-04	21/846, 841; 18/2339B	03-Apr-06	57 months custody and 5 years SR

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
223	Ali, Ilyas	SDCA	30-Oct-02	21/846, 841; 21/952, 960, 963; 18/2339B	I	03-Mar-04	21/846, 841; 18/2339B	10-Apr-06	57 months custody and 5 years SR
224	Ahmed, Aref	WDNY	22-Sep-99	18/1956, 21/853, 5x18/2342	II	03-Mar-04	18/1956	26-Jul-05	37months, 3years, SR, restitution
225	Daher, Ali	EDMI	23-Jan-03	18/1962(d), 18/2342	II	01-Mar-04	18/1962; 18/2342	07-Jun-04	5 months for each count; 2 years SR ; $200 SA; $175,500 restitution
226	Maftahi, Numan	EDNY	09-Apr-03	18/1001	II	18-Feb-04	18/1001	09-Jul-04	60 months; 3years SR
227	Talyi, Yaudat Mustafa	EDLA	09-Jan-04	2x 50/1702 & 1705(b)	I	29-Jan-04	2x 50/1702	28-Apr-04	5 months; 1 yr SR; $25K fine
228	Mora, Adriana Gladys	SDTX	04-Sep-03	18/2339B; 21/841	I	26-Jan-04	18/2339B; 21/841	30-Apr-07	120 months; 5 years SR; $200 SA
229	Malike, Sayed Abdul	EDNY	03-Jun-03	18/1001, 21/844(a)	II	23-Jan-04	18/1001	26-May-04	37 months., 3 years SR
230	Al-Hamdi, Ibrahim Ahmed	EDVA	25-Jun-03	18/2339A, 18/371, 18/960, 18/924(c)&(g)&(o), 18/844	I	16-Jan-04	18/924(c), 18/844	09-Apr-04	120 months, 3 years SR
231	Royer, Randall Todd	EDVA	25-Jun-03	50/1705, 18/2339A, 2339B, 18/371, 18/2384, 18/960, 18/924(c)&(g), 18/844	I	16-Jan-04	18/924(c), 18/844	09-Apr-04	20 years
232	Sallam, Tarek Abdelhamid	CDCA	07-Apr-03	15x 18/1343, 2x 42/408, 31/5324	II	08-Jan-04	18/1343	17-May-04	18 months, 3years SR, restitution
233	Foley, Lori	CDCA	30-Jul-03	15x 18/1343	II	22-Dec-03	18/1343	15-Mar-04	15 months., 3 years SR, restitution
234	Sarsour, Jamil Salem	EDMI	22-Jan-03	31/5324	II	10-Nov-03	31/5324	09-Jan-04	2 years probation w/conditions; $2500 fine; 25K restitution
235	Ruiz, Elkin Alberto Arroyave (Commandante Napo)	SDTX	04-Dec-02	18/2339B, 21/841, 21/846	I	05-Nov-03	18/2339B	31-May-06	180 months
236	Haydous, Fadi	EDMI	24-Apr-03	18/2314, 18/922(g)(1)	II	28-Oct-03	18/2314	31-Mar-05	[illegible] 00131-14 in Western District NY, Plus 1 day consecutive; credited with time in WDNY; 2 years SR (concurrent w/ WDNY)
237	Battle, Jeffrey Leon	DOR	03-Oct-02	18/2339B, 2384, 924, 50/1705	I	16-Oct-03	18/2384	24-Nov-03	18 years
238	Ford, Patrice Lamumba	DOR	03-Oct-02	18/2339B, 2384, 1956, 924, 50/1705	I	16-Oct-03	18/2384	24-Nov-03	18 years

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
239	Biheiri, Soliman S.	EDVA	07-Aug-03	18/1425, 18/1001, 18/1015	II	09-Oct-03	18/1425, 18/1015 [18/1001 on 10/12/04], pleaded: 1546	12-Jan-04	12 months [& 13months on 1/13/05]
240	Mahmoud, Amna	EDNY	01-Oct-03	18 / 1029 x2	II	01-Oct-03	18 /1029 x2	16-Dec-03	3 years probation $67,306.00
241	Lewis, October Martinique	DOR	03-Oct-02	18/2339B, 2384, 1956, 50/1705	I	26-Sep-03	18/1956	01-Dec-03	36 months
242	Aatique, Mohammed	EDVA	25-Jun-03	18/960, 1001, 924, 371, 1543, 112	I	22-Sep-03	924(c), 960	17-Dec-03	126 months
243	Abdallah, Hassan	EDTX	20-Mar-03	18/659, 18/2342, 18/371	II	19-Sep-03	18/2342	08-Apr-04	5 years probation
244	Makki, Hassan Moussa	EDMI	23-Jan-03	18/1962(d), 18/2342 & 18/2, 18/2315 & 18/2, 2339B(a)(1)	I	18-Sep-03	18/2339B, 18/1962	16-Dec-03	57 months; 3 years SR; $657K restitution
245	Bilal, Ahmed Ibrahim	DOR	03-Oct-02	18/2339B, 2384, 924, 50/1705	I	18-Sep-03	50/1705; 924(c)	09-Feb-04	10 years
246	Bilal, Muhammad Ibrahim	DOR	03-Oct-02	18/2339B, 2384, 50/1705	I	18-Sep-03	50/1705; 924(c)	09-Feb-04	8 years
247	Akhdar, Ali Mohamad	EDMI	03-Feb-03	18/1962(d)	II	16-Sep-03	18/1962	11-Dec-03	12 months, 1 day
248	Tchibassa, Artur	ODC	25-Sep-91	18/1203, 18/371	I	12-Sep-03	18/1203, 18/371	27-Feb-04	293 months; 5 years SR; SA & restitution
249	Khafagi, Bassam Kamel	EDMI	24-Jan-03	18/1344; 18/1546	II	09-Sep-03	18/1344; 18/1546	13-Nov-03	Time Served (10 Months), 1 yr SR
250	Kwon, Yong Ki	EDVA	25-Jun-03	18/960, 18/924(c)&(g)&(h), 18/371	I	25-Aug-03	18/371, 924(c) & (h)	07-Nov-03	138 months
251	Surratt, Donald Thomas	EDVA	25-Jun-03	18/960, 18/924(b)&(c)&(o), 18/371	II	22-Aug-03	18/371, 924(b)	07-Nov-03	46 months
252	Hasan, Khwaja Mahmood	EDVA	25-Jun-03	18/1001, 18/924, 18/371	II	21-Aug-03	18/371, 924	07-Nov-03	135 months
253	Jubara, Hosam Yousef	MDFL	19-Mar-03	18/1546	II	14-Aug-03	18/1546	06-Nov-03	5 months, 2years SR, $500 fine, $400 SA
254	Hawash, Maher Mofeid	DOR	02-May-03	18/2339B, 2384, 924, 50/1705	I	06-Aug-03	50/1705	09-Feb-04	7 years

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
255	Akhdar, Elias	EDMI	03-Feb-03	18/1952, 18/1962, 18/1952, 18/1512	II	29-Jul-03	18/1962	08-Jan-04	70 months, 3 years SR, $100 SA, $2,062,500 restitution
256	Hansen, Robert	EDNY	15-Jul-03	18/371 [by information]	II	15-Jul-03	18/371	02-Nov-06	3 years probation; Fine in the amount of $2,500
257	Hatfield, G. William	NDNY	03-Jul-03	26/7206	II	03-Jul-03	26/7206	01-Jun-05	2 years probation, $15K fine
258	Dhafir, Priscilla	NDNY	01-Jul-03	18/1001	II	01-Jul-03	18/1001	06-Jun-05	2 years probation, $10K fine & restitution
259	Jensen, Uwe	SDTX	04-Dec-02	18/2339B, 21/841(a)(1), (b)(1)(A), 21/846	I	24-Jun-03	18/2339B; 21/841; 21/846	31-May-06	168 months
260	Rodriguez, Marlon	EDTX	20-Mar-03	18/659, 18/2342, 18/371	II	19-Jun-03	18/371	29-Apr-04	12 months
261	Abuali, Hussein	DNJ	25-Oct-01	18/371, 18/659	II	17-Jun-03	18/371	29-Jan-04	Time Served (5 months), 3 years, SR
262	Samhan, Husam Addelhafiz (Sammy)	CDCA	25-Mar-03	42/408(a)(7)(B)	II	23-May-03	42/408	02-Jul-03	112 days, 3yr SR
263	Al-Bakri, Mukhtar	WDNY	21-Oct-02	2x18/2339A	I	19-May-03	18/2339A	03-Dec-03	10 years, 3 years SR, $2000fine, $100 SA
264	Ali, Ahmed	NDNY	16-May-03	26/7206	II	16-May-03	26/7206	20-May-05	2 years probation, $15K fine
265	Taher, Yasein	WDNY	21-Oct-02	2x18/2339B	I	12-May-03	18/2339B	04-Dec-03	96 months, 3SR, $100SA
266	Faris, Iyman	EDVA	30-Apr-03	2x18/2339B,	I	01-May-03	18/371, 2x 2339B	28-Oct-03	20 years (60 months w/credit for Time Served, 3 years SR, $100 SA
267	Jarwan, Ayman	NDNY	19-Feb-03	4x 18/371	II	25-Apr-03	2x 18/371 (to violate IEEPA)	19-Oct-05	18 months.
268	Varela, Carlos Ali Romero	SDTX	04-Dec-02	18/2339B, 21/841, 21/846	I	23-Apr-03	18/2339B, 21/846	15-Jun-09	120 months , 5 years SR, $200 special assessment
269	Al-Wahsidy, Osameh	NDNY	19-Feb-03	50 / 1701 et seq.	I	22-Apr-03	50/1701 et. seq.	24-Aug-05	2 years probation, $5K fine

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	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
270	Shishani, Omar	EDMI	21-Jul-02	18/513, 18/545, 18/371	II	21-Apr-03	18/545, 18/371	18-Nov-03	57 months, 2 years SR, $200SA
271	Awde, Salim Nemir	EDMI	05-Feb-03	18/1962(d)	II	18-Apr-03	18/1962	08-Apr-04	Time Served (14 months), 3 years SR, $100
272	Ismail, Nabil Mohamad	EDMI	23-Jan-03	18/1962(d) on 01/23/03	II	16-Apr-03	18/1962	09-Apr-04	Time Served (12 months concurrent w/ sent for 18/1029); 3 years SR; $100 SA; $37500 restitution
273	Bowman, Brandy	EDMI	03-Feb-03	18/1962(d)	II	16-Apr-03	18/1962	08-Apr-04	4 months, 3 years SR in WDNY, $45,750 restitution, $100 SA
274	Gordon, Carol	EDMI	23-Jan-03	18/1962(d)	II	16-Apr-03	18/1962 (conspiracy RICO)	08-Apr-04	7 months; 3 years SR; $202,500 restitution; $100 SA
275	Ujaama, Earnest James	WDWA	28-Aug-02	18/2339B,18/2339A, 18/956(a)(1) and (b); 18/924	I	14-Apr-03	50/1705	13-Feb-04	24 months
276	Alwan, Sahim	WDNY	21-Oct-02	2x18/2339A	I	08-Apr-03	18/2339A	17-Dec-03	114 months, 3years SR, $100 SA
277	Hmimssa, Youssef	EDMI	27-Sep-01	18/1546, 18/1028(a)(6), 18/1029, 18/371, 18/1543, 18/2339A	I	07-Apr-03	18/1546, 18/1028, 1029, 1543	01-Sep-05	78 months, 3 years SR
278	Florez-Gomez, Libardo	SDFL	12-Nov-02	18/1960, 18/982	II	04-Apr-03	18/982	25-Jul-03	18 months, 2 years SR, forfeiture
279	Hariri, Mohamad Ahmad	EDMI	23-Jan-03	18/1962(d)	II	01-Apr-03	18/1962	17-Jun-04	Time Served (6 months); 3 years SR; $100 SA; $2062,500 restitution
280	Goba, Yahya	WDNY	21-Oct-02	2x18/2339B	I	25-Mar-03	18/2339B	10-Dec-03	10 years, 3 years SR, $1500fine, $100SA
281	Mosed, Shafal	WDNY	21-Oct-02	2x18/2339B	I	24-Mar-03	18/2339B	09-Dec-03	96 months, 3years. SR, $100SA
282	Boughader-Mucharrafille, Salim	SDCA	15-Nov-02	8/1324	II	19-Mar-03	8/1324	19-Jun-03	12 months + 1 day, 3years SR
283	Awan, Khalid	EDNY	04-Dec-01	18/1029A&B, 18/1956	II	17-Mar-03	18/1029B	08-Nov-04	60 months 3 years. SR
284	Hussain, Choudhry	EDNY	04-Dec-01	18/1029A&B, 18/1956	II	17-Mar-03	18/1029B	13-May-03	21 Months, 3 years SR

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285	Sarwer, Suhail	EDNY	04-Dec-01	18 / 1029x2 and 3551	II	17-Mar-03	18/ 1029 x2 and 3551	28-Oct-04	55 months 3 years SR
286	Serrano-Valdez, Patricia	SDCA	15-Nov-02	8/1324	II	13-Mar-03	8/1324	17-Jun-03	10 months, 2years SR
287	Alvarez-Duenas, Jose Guillermo	SDCA	15-Nov-02	8/1324	II	18-Feb-03	8/1324	03-Mar-03	Time Served, 1 years SR
288	Arnaout, Enaam M.	NDIL	09-Oct-02	18/2339A, 18/1962, 18/371, 18/1956, 18/1341, 18/1343	I	10-Feb-03	18/1962	17-Feb-06	120 months
289	Al-Nafli, Mohamed Suleiman	SDNY	22-Mar-01	18/2332(b), 18/1114-1117, 18/2155A, 18/2155B	I	31-Jan-03	18/2155B	20-Feb-03	121 months, 3 years SR
290	Johnson, John Earl	NDNY	22-Jan-03	18/922(g)(1)	II	31-Jan-03	18/922(g)(1)	01-Aug-03	46 months, 3 years SR
291	Gateb, Faysal	WDNY	21-Oct-02	2x 18/2339B, 50/1705	I	10-Jan-03	50/1705	16-Dec-03	84 months, 3years SR, $100SA
292	Issa, Mohamed Ahmed	EDMI	04-Dec-02	18/1546, 18/1546(a); 18/1028(a)(4); 18/1001	II	09-Jan-03	18/1546(a), 18/1001, 18/1028	08-Apr-04	6 months.; 3 years SR
293	Khalib, Yaser	DSC	03-Jan-03	18/1344 , 18/1028	II	03-Jan-03	18 /1344 and 1028	03-Jan-03	Time Served (14 months)
294	Al-Hadi, Nageeb Abdul Jabar Mohamed	NDIL	16-Oct-02	18/1546	II	24-Dec-02	18/1546	15-Jan-03	Time Served (15 Months) 3 years. SR
295	Ahmed, Rabi	DNJ	25-Oct-01	18/371, 18/659	II	11-Dec-02	18/371	04-Dec-03	Time Served (4 months), 2 years. SR
296	Dweikat, Majeda	SDCA	04-Sep-02	18/1546(a)	I	21-Oct-02	18/1546	21-Oct-02	Time Served/Deported
297	Basnan, Osama Yousef	SDCA	11-Sep-02	2x 18/1546(a), 18/2	II	21-Oct-02	18/1546	21-Oct-02	Time Served/Deported
298	Reid, Richard	DMA	16-Jan-02	18/2332a(a)(1), 2332(b)(1), 924(c), 49/46505(b)(3) & (C), 49/46506(1), 49/46504 18/32(a)(1)&(7), 18/1993	I	04-Oct-02	18/2332a(a)(1), 2332(b)(1), 924(c), 49/46505(b)(3) & (C), 49/46506(1), 49/46504 18/32(a)(1)&(7),	30-Jan-03	Life
299	Ahmad, Ahmad Abeed Ahmad	EDVA	30-Sep-02	18/1546	II	30-Sep-02	18 /1546	30-Sep-02	Time Served, 1 yr. SR
300	Sarama, Nabil	NDCA	12-Dec-01	8/1325, 18/1546, 18/1001, 18/1028	II	25-Sep-02	8/1325	25-Sep-02	Time Served (10 Months), 1 yr SR

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301	Koshak, Abdurahman Khalil	WDPA	16-Sep-02	18/1462	II	16-Sep-02	18/1462	16-Sep-02	Time Served, 3 years SR
302	Tebbakh, Karim	EDNY	27-Jun-02	18 / 2315 x2 and 3551	II	05-Sep-02	18 / 2315 x2 and 3551	10-Dec-02	Time Served 3 years SR
303	Oulai, Jean Tony	MDFL	20-Feb-02	18/1001	II	15-Aug-02	18/1001	05-Sep-02	Time Served, 2 years SR
304	Jabarah, Mohammed Mansour	SDNY	30-Jul-02	18/2332(b); 18/1111, 1114, 1116, 1117; 18/ 2332a; 18/844; 18/1001	I	30-Jul-02	18/2332a; 18/2332(b); 18/1111, 1114, 1116, 1117; 18/844; 18/1001	04-Feb-08	Life
305	Almari, Saleh Ali	EDVA	30-Jul-02	18/1341, 18/1343, 18/371	II	30-Jul-02	18/ 1341, 1343, 371	18-Oct-02	4 Months, 2 years SR
306	Al Attas, Hussein	SDNY	25-Jul-02	18/1001	II	25-Jul-02	18/1001	22-Oct-02	Time Served; 2 years SR, $700
307	Cleveland, Derrick	EDNY	22-May-02	18/1962; 18/371; 18/1951	II	17-Jul-02	18/1962	23-Oct-06	4 years probation; $5000 fine
308	Lindh, John Walker	EDVA	05-Feb-02	4x 50/1705, 18/2332(b), 18/924, 3x 18/2339B, 18/844	I	15-Jul-02	50/1705; 18/844	04-Oct-02	20 Years
309	Elashmouny, Ahmed Abdulla	EDNY	01-Nov-01	18/1343, 18/1001, 18/1029	II	09-Jul-02	18/1343, 18/1001, 18/1029	24-Jan-03	35 months., 3 years probation, restitution & $600
310	Abdoulah, Mohadar Mohamed	SDCA	02-Nov-01	18/1001, 18/1546	II	02-Jul-02	18/1001	02-Oct-02	Time Served (335 days), 3years SR
311	Hammoud, Mohammed	WDNC	28-Mar-01	9x18/1956; 6x18/2342; 6x18/1029; 3x18/1325; 3x18/1546; 2x18/1962, 2x18/1341, 2x2339B	I	23-Jun-02	2x18/2339B, 18/1325, 18/1546, 3x18/2342, 3x18/1956, 3x18/1029, 18/1962	28-Feb-03	155 Years, 3 years SR, $1400SA
312	Hammoud, Chawki	WDNC	28-Mar-01	4x18/2342; 7x18/1956; 4x18/371; 3x18/1029; 2x18/1962; 2x18/1341	II	21-Jun-02	18/371 (plea), 2x18/1029, 18/1956, 18/1962, 2x18/2342	28-Feb-03	51 Months, 3years SR, $700SA
313	Khan, Ayub Ali	SDNY	14-Jan-02	18/1029	II	20-Jun-02	18 / 1029	15-Aug-02	1 Year, 1 day, 3 years SR, $15,000
314	Elashyi, Ihsan	NDTX	07-Feb-02	13x 50/1702 and 1705(b); 19x 18/1029 (a)(2)(5), 12x 18/1956 (a)(1)(A)(i), 4x 18/1343	I	17-Jun-02	50/1702 & 1705, 18/1029, 18/1956, 18/1343	23-Oct-02	[illegible] concurrently); SR for 3 years (each count to run concurrently); Restitution $281,892.52; SA $400.00
315	Trabelsi, Kamel Mohammed	CDCA	05-Jun-02	42/408(a)(7)(A); 18/1546(b)(1); 42/408(a)(7)(c) on 11/20/01	II	10-Jun-02	18/1546	24-Jun-02	Time Served, 3years SR, comply w/ INS
316	Al-Marabh, Nabil	WDNY	06-Dec-01	18/371, 18/1001, 18/1324	II	08-Jun-02	8 / 1324	03-Sep-02	8 months, 3 years, SR

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	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
317	Butt, Ashar Iqbal	EDPA	20-May-02	18/1543	II	06-Jun-02	18 /1543	12-Sep-02	6 Months
318	Azmath, Mohammed	SDNY	14-Jan-02	18/1029	II	06-Jun-02	18/ 1029	18-Sep-02	Time Served (9 Months), SR 36 months
319	Al-Saraf, Kumeit	WDPA	04-Oct-01	18/1028	II	29-May-02	18/371	23-Aug-02	3 Years Probation, $250
320	Hussein, Mohamed	DMA	14-Nov-01	2x 18/1960	II	30-Apr-02	18/1960 x2	22-Jul-02	18 Months, 2 years. SR
321	Iqbal, Javaid	EDNY	30-Nov-01	18/371 and 3551; 18/1028(a)(2), 18/1028(a)(6), 18/513	II	22-Apr-02	18/ 371 and 3551; 18/1028(a)(2)	17-Sep-02	16 Months, 3 years SR
322	Al Rababah, Eyad	EDVA	06-Mar-02	18/1028 x2	II	17-Apr-02	18/ 1028x2	17-May-02	6 Months, 3 years. SR
323	Almutari, Mubarek	NDIN	12-Oct-01	18/1344, 18/1014	II	17-Apr-02	18/1344	29-Jul-02	21 Months, 3 years SR
324	Albred, Kamel	WDPA	04-Oct-01	18/1028	II	16-Apr-02	18/1028	29-Jul-02	3 Months Probation, $250
325	Alshomary, Haider	WDPA	04-Oct-01	18/1028	II	15-Apr-02	18/1028	15-Aug-02	1 Year Probation, $250
326	Butt, Moeen Islam	EDPA	06-Mar-02	8 /1325	II	10-Apr-02	8/1325	13-Jun-02	Time Served, 3 years SR
327	Refai, Mohammed Ibrahim	NDOH	20-Feb-02	18/1001, 18/1546	II	10-Apr-02	18 / 1546 and 8 / 1325	10-Apr-02	Time Served, 3 years. SR
328	Al-Atabi, Wathek	WDPA	04-Oct-01	18/1028	II	10-Apr-02	18/1028	15-Aug-02	3 Months Probation, $350
329	Bakarbashat, Omer Salmain Saleh	SDCA	04-Jan-02	18/1546, 42/408	II	29-Mar-02	18/1546, 42/408	29-Mar-02	Time Served, 3 years SR
330	Al-Maleky, Raad	WDPA	04-Oct-01	18/1028	II	28-Mar-02	18/1028	16-Aug-02	3 Years Probation
331	Almazaal, Samir	WDPA	04-Oct-01	18/1028	II	28-Mar-02	18 /1028	02-Aug-02	3 Years Probation
332	Abuali, Nasser	DNJ	25-Oct-01	18/371, 18/659	II	27-Mar-02	18/371	04-Dec-03	Time Served (5 months), 3 years. SR

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333	Kifal, Ahmad	DNJ	11-Dec-01	18/1343	II	26-Mar-02	18/1343	24-May-02	3 years. SR, restitution
334	Al Aboudy, Akeel	WDPA	04-Oct-01	18/1028	II	26-Mar-02	18 /1028	02-Aug-02	36 Months Probation, $250
335	Alazawi, Ali F.	WDPA	03-Oct-01	18/1028	II	26-Mar-02	18/1028	12-Jul-02	3 Years Probation
336	Maddy, Mohammed	EDNY	16-Nov-01	8 / 1324 x2, 18/3551	II	25-Mar-02	8/1324 x2, 18/3551	04-Apr-02	Time Served, 5 years SR
337	Al-Atabi, Hatef	WDPA	04-Oct-01	18/1028	II	25-Mar-02	18/1028	12-Jun-02	3 Years Probation, $250
338	Al-Aboody, Mustafa	WDPA	03-Oct-01	18/1028	II	20-Mar-02	18 /1028	12-Jul-02	3 Years Probation
339	Al-Shiblawy, Hisham	WDPA	04-Oct-01	18/1028	II	19-Mar-02	18/1028	08-Jul-02	3 Years Probation, 100 hrs. comm. service
340	Ahmed, Ifikhar	EDNC	16-Jan-02	18/1546, 18/1028	II	18-Mar-02	18/1546	19-Jun-02	Time Served
341	Al-Hachami, Sabah	WDPA	04-Oct-01	18/1028	II	18-Mar-02	18/1028	03-Jul-02	1 Year Probation, $250
342	Al-Khaledy, Fadhil	WDPA	04-Oct-01	18/1028	II	15-Mar-02	18/1028	18-Jun-02	3 Years Probation
343	Al-Obaidi, Hussain	WDPA	04-Oct-01	18/1028	II	13-Mar-02	18/1028	01-Jul-02	3 Years Probation $250
344	Sudani, Hussain	WDPA	03-Oct-01	18/1028	II	11-Mar-02	18/1028	07-Jun-02	3 Years Probation
345	Budiman, Agus	EDVA	21-Feb-02	18/1028	II	04-Mar-02	18 /1028	10-May-02	7 Months, 1 yr. SR
346	Rouissi, Zuhaier Ben Mohammed	NDOH	23-Oct-01	18/1325	II	28-Feb-02	18/ 1325	15-Apr-02	6 Months
347	Harb, Said	WDNC	28-Mar-01	18/2339B, 18/2339A, 18/201A, 18/1956, 18/2342, 18/371, 1344A, 18/1029, 18/215, 18/1324, 18/2314, 18/1962	I	25-Feb-02	18/2339A, 18/371, 18/1956, 18/1962	19-Mar-03	41 Months; 3 years SR, $500 Special Assessment (SA)
348	Saif, Malek Mohamad (Malek mohamed Abdulah)	DAZ	25-Oct-01	18/1001, 42/408(a)(7)(A)	II	25-Feb-02	18/1001, 42/408	15-Apr-02	Time Served, 3 years SR

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
349	Dawe, Nadim	SDNY	04-Feb-02	18/1029	II	22-Feb-02	18 / 1001	13-Mar-02	Time Served
350	Laimeche, Sofiane	DAZ	06-Nov-01	2x 18/1001, 3x 42/408(a)(7)(B)	II	22-Feb-02	2x18/1001, 42/408	06-May-02	3 Years probation
351	Al Hamdan, Montaser Hamdan	MDFL	31-Oct-01	18/1325	II	21-Feb-02	18/1325	04-Mar-02	Time Served
352	Khan, Raza Nasir	DDE	09-Oct-01	18/922(g)(5) & 924(a)(2)	II	20-Feb-02	18/922 & 924	20-Mar-02	177 days, 2 years SR
353	Alibrahimi, Mohammed	WDPA	04-Oct-01	18/1028	II	15-Feb-02	18/1028	17-May-02	5 Years Probation, 100 hrs. comm. service
354	Abdall, Assam	EDNY	11-Jan-02	18/1001(a)(2) and 3551	II	14-Feb-02	18/1001(a)(2) and 3551	22-Apr-02	6 Months 3 years SR
355	Al Salmi, Faisal M.	DAZ	09-Oct-01	2x 18/1001	II	14-Feb-02	18/1001	14-Mar-02	6 Months, 3 years SR
356	Pervez, Mohammed	SDNY	13-Feb-02	18/1001	II	13-Feb-02	18 / 1001	07-Oct-02	Probation 1 year
357	Kifat, Mustafa	DNJ	11-Dec-01	18/1543	II	13-Feb-02	18/1543	21-Mar-02	Time Served (6 Months) 2 years. SR
358	Elmaghraby, Ehab	EDNY	26-Oct-01	18/1029	II	13-Feb-02	18/1029(a)(2)	29-Jul-02	24 Months, 3 years SR
359	Rizvi, Armoghan	DCO	19-Dec-01	18/ 911	II	11-Feb-02	18/911	22-Feb-02	Time Served, 1yr SR
360	Alandon, Arkan	WDPA	04-Oct-01	18/1028	II	11-Feb-02	18/1028	24-May-02	3 Years Probation, 100 hrs. comm. service
361	Ferrari, Robert	WDPA	04-Oct-01	18/1028 x5	II	08-Feb-02	18 /1028x5	26-Sep-03	18 months, 3 years. SR
362	Al Tamimi, Haider	WDPA	04-Oct-01	18/1028	II	01-Feb-02	18/1028	10-May-02	3 Years Probation
363	Rizvi, Arsalan Absar	DCO	28-Nov-01	18/922(g)(5), 18/911	II	29-Jan-02	18/922	06-Feb-02	Time Served, 3years SR
364	Al Hamdan, Nasri	MDFL	31-Oct-01	18/1325	II	24-Jan-02	18/1325	01-Mar-02	Time Served (5 months); 3 years SR

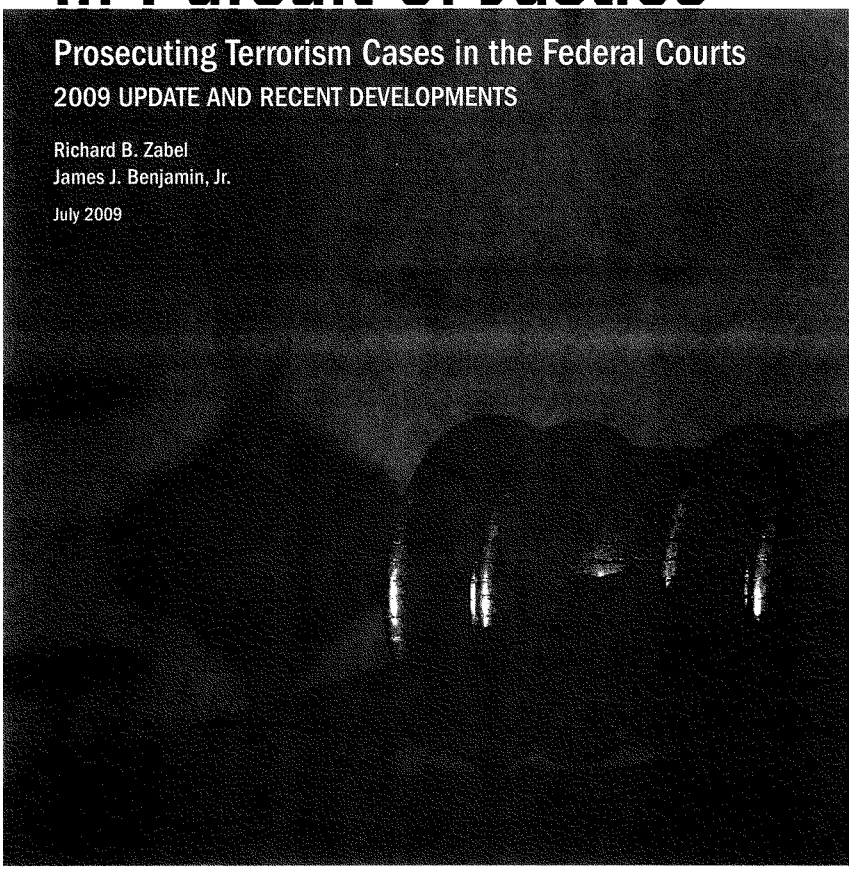
	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
365	Alghamdi, Muhamed Nasir Bin Hasher	SDFL	25-Oct-01	18/1546, 21/841, 18/1028A	II	18-Jan-02	21/841, 18/1546	25-Apr-02	6 months; 3 years SR; $10,000
366	Kishk, Wael	EDNY	04-Oct-01	18/1001, 18/1028, 18/1543 and 3551, 49/46306(b)(2)	II	17-Jan-02	18/1001	27-Feb-02	Time Served (6 Months), 3 years, SR
367	Alubeidy, Ali	WDPA	04-Oct-01	18/1028	II	14-Jan-02	18/1028	11-Apr-02	3 Years Probation, $250
368	Hyder, Salman	CDCA	21-Dec-01	18/1028, 18/1546	II	10-Jan-02	18/1546	25-Mar-02	4 months., 3years SR
369	Al Qaryuti, Mohammed Basheer	MDFL	31-Oct-01	18/1546, 8/1325	II	10-Jan-02	18/1546, 8/1325	08-Mar-02	Time Served, 3years SR
370	Badri, Adel	WDMO	14-Nov-01	4x 18/1344, 18/1956, 18/2314	II	08-Jan-02	18/1344	06-Mar-02	Time Served, 3 years SR, $1,000
371	Atta, Ahmed Nawaz	CDCA	21-Dec-01	18/1028, 18/1546	II	03-Jan-02	18/1028, 18/1546	11-Feb-02	Time Served, 3years SR
372	Abassi, Sabre	EDVA	15-Nov-01	18/1001x2	II	03-Jan-02	18/1001 x2	03-Jan-03	63 Days, 2 years probation, $500
373	Abu-Zbaida, Maher Yousef	DMT	22-Oct-01	18/922(g)	II	02-Jan-02	18/922(g)	28-Mar-02	10 Months, 10 months SR
374	Kopke, Roxanne	EDVA	15-Nov-01	8/1306c.p	II	20-Dec-01	8/1306c.p	20-Dec-01	50 Days
375	Menepta, Mujahid Abdul	WDOK	29-Nov-01	18/ 922(g)(1)	II	19-Dec-01	18/922(g)(1)	03-Apr-02	15 Months, 3 years SR
376	Awad, Hadir	EDVA	17-Dec-01	18/1546	II	17-Dec-01	18 /1546	01-Mar-02	2 Years SR
377	Abdi, Mohamed	EDVA	23-Oct-01	18/513	II	13-Dec-01	18/513	11-Jan-02	4 Months, 3 years SR
378	Al-Baraa, Alawi Hussain	WDPA	04-Oct-01	18/1028	II	13-Dec-01	18/1028	13-Mar-02	6 months SR
379	El Zaatari, Salam Ibrahim	WDPA	01-Nov-01	49 /46505(b)(1)	I	12-Dec-01	49 / 46505(b)(1)	12-Dec-01	Time Served
380	Ahmad, Hafiz Khalil	MDFL	13-Nov-01	18/1546, 18/1001, 18/1621	II	12-Dec-01	18/1546	19-Dec-01	Time Served, 2 years SR

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
381	Al Khammash, Nermine Hani Ayoub	MDFL	31-Oct-01	18/1325	II	12-Dec-01	18/1325	10-Jan-02	Time Served (3 Months), 3 years SR
382	Farid, Abdul	MDNC	29-Oct-01	18/1014	II	11-Dec-01	18/1014	26-Mar-02	Time Served (6 months) 3 years. SR
383	Khamis, Sherif	MDFL	03-Oct-01	18/1001	II	07-Dec-01	18/1001	19-Dec-01	Time Served + 7 days, 3years SR
384	Siddiqui, Imitiaz	MDNC	30-Oct-01	18/911	II	06-Dec-01	18/911	26-Feb-02	Time Served (5 months), 1 yr. SR
385	Martinez-Flores, Luis	EDVA	25-Oct-01	18/1028 x4	II	06-Dec-01	18/1028 x4	15-Feb-02	21 Months, 2 years SR
386	Hafaiedh, Ben Sami Fathi	CDCA	13-Nov-01	18/1546, 42/ 408, 18/1001	II	30-Nov-01	18/1546	11-Feb-02	6 Months
387	Pierre, Vincente Rafael	WDVA	18-Sep-01	18/922, 18/924 and 18/371	II	30-Nov-01	18/922, 924 and 371	05-Apr-02	24 Months, 3 years SR
388	Upshur, Traci	WDVA	18-Sep-01	18/922, 18/924 and 18/371	II	30-Nov-01	18/922, 924 and 371	05-Apr-02	15 Months, 2 years SR
389	Iqbal, Jamshed (aka Jimmy)	NDNY	19-Sep-01	8 / 1325	II	20-Nov-01	8/ 1325	08-Jan-02	5 Years Probation
390	Iqbal, Jawaid	NDNY	19-Sep-01	8 / 1325	II	20-Nov-01	8 / 1325	15-Mar-02	1. 5 Years Probation, $100 SA & $3000 Fine
391	Lopez-Flores, Victor	EDVA	19-Nov-01	18/1028 and 8 usc 1326	II	19-Nov-01	18/1028 and 8/1326	01-Feb-01	27 Months, 3 years SR
392	Al Draibi, Khalid	EDVA	10-Oct-01	18/1546	II	19-Nov-01	18/1546	04-Jan-02	4 Months, 3 years SR
393	Raza, Atif	SDAL	27-Sep-01	18/1029(a)(2)	II	19-Nov-01	18/1029	07-Feb-02	Time Served (140 days), restitution
394	El Ouariachi, Hossain	WDPA	19-Nov-01	18/ 1001	II	15-Nov-01	18/1001	15-Nov-01	Time Served
395	Galicia, Kenys	EDVA	25-Oct-01	18/1028	II	09-Nov-01	18 /1028	25-Jan-02	1 Year, 3 years SR
396	Fall, Manel	WDPA	30-Oct-01	18/1544	II	02-Nov-01	18 /1544	27-Dec-01	3 Months, $100

	Defendant	District	Charge Date	Charges	Category	Conv Date	Conviction Charges	Sent Date	Sentence
397	Tauseef, Hafiz	NDNY	17-Oct-01	18 /1546	II	01-Nov-01	18 / 1546	05-Dec-01	5 Years Probation
398	Younes, Aisha	NDNY	17-Oct-01	18/ 1546	II	01-Nov-01	18 / 1546	05-Dec-01	5 Years Probation
399	Hussain, Arshad	WDNY	31-Oct-01	18/1544	II	31-Oct-01	18/ 1544	04-Jan-02	Time Served, 2 years SR
400	Haddoumi, Faycal	NDIN	18-Oct-01	8/1305	II	22-Oct-01	8/1305	09-Nov-01	30 Days
401	Rahmani, Kamal	NDIN	18-Oct-01	8/1305	II	22-Oct-01	8/1305	09-Nov-01	30 Days
402	Mahmood, Ansar	NDNY	16-Oct-01	8 /1324	II	16-Oct-01	8 / 1324	25-Jan-02	5 Years Probation, $3000
403	Guagni, Francois	DME	25-Sep-01	8/1326	II	28-Sep-01	8/1326	23-Jan-02	20 Months, 3 years Supervised Release (SR)

human rights *first*

In Pursuit of Justice



Appendix A: Terrorism Prosecution Cases

1. United States v. Abdhir, No. 5:07-cr-00501-JF (N.D. Cal. Aug. 1, 2007)
2. United States v. Abdi, No. 1:01-cr-00404-TSE (E.D. Va. Oct. 23, 2001)
3. United States v. Abdi, No. 2:04-cr-00088-ALM (S.D. Ohio June 10, 2004)
4. United States v. Abdoulah, No. 3:01-cr-03240-TJW (S.D. Cal. Nov. 2, 2001)
5. United States v. Abdulah, No. 2:01-cr-00977-PGR (D. Ariz. Oct. 25, 2001) (related cases: No. 2:02-cr-00164-PGR (D. Ariz. Feb. 20, 2002) and No. 2:02-cr-00004-UA (C.D.Cal. Jan. 3, 2002))
6. United States v. Abu Ali, No. 1:05-cr-00053-GBL (E.D. Va. Feb. 3, 2005)
7. United States v. Abuali, No. 2:01-cr-00686-WHW (D.N.J. Oct. 25, 2001)
8. United States v. Abu-Jihaad, No. 3:07-cr-00057-MRK (D. Conn. Mar. 21, 2007)
9. United States v. Afshari, No. 2:01-cr-00209-RMT (C.D. Cal. Feb. 26, 2001)
10. United States v. Ahmad, No. 3:04-cr-00301-MRK (D. Conn. Oct. 6, 2004)
11. United States v. Ahmed, No. 1:06-cr-00147-CC-GGB (N.D. Ga. Mar. 23, 2006)
12. United States v. Ahmed, No. 1:07-cr-00647-JGC (N.D. Ohio Dec. 13, 2007)*
13. United States v. Ahsan, No. 3:06-cr-00194-JCH (D. Conn. June 28, 2006)
14. United States v. Akhdar, No. 2:03-cr-80079-GCS (E.D. Mich. Feb. 3, 2003)
15. United States v. Alamoudi, No. 1:03-cr-00513-CMH (E.D. Va. Oct. 10, 2003)
16. United States v. al-Arian, No. 8:03-cr-00077-JSM-TBM (M.D. Fla. Feb. 19, 2003)
17. United States v. al-Delaema, No. 1:05-cr-00337-PLF (D.D.C. Sept. 9, 2005)*
18. United States v. al-Draibi, No. 1:01-cr-00393-TSE (E.D. Va. Oct. 10, 2001)
19. United States v. Alfauru, No. 1:02-cr-00147-TSE (E.D. Va. Apr. 10, 2002)
20. United States v. al-Hussayen, No. 3:03-cr-00048-EJL (D. Idaho Feb. 13, 2003)
21. United States v. Alishtari, No. 1:07-cr-00115-AKH (S.D.N.Y. Feb. 14, 2007)
22. United States v. al-Marri, No. 1:03-cr-10044-MMM (C.D. Ill. May 22, 2003) (related cases: No. 1:02-cr-00147-VM (S.D.N.Y. Feb. 6, 2002); No. 1:03-cr-00094-VM (S.D.N.Y. Jan. 22, 2003)); and No. 1:09-cr-10030-MMM-JAG-1 (C.D. Ill. Feb. 26, 2009)*
23. United States v. al-Moayad, No. 1:03-cr-01322-SJ (E.D.N.Y. Dec. 15, 2003)
24. United States v. al-Mughassil, No. 1:01-cr-00228-CMH (E.D. Va. June 21, 2001)
25. United States v. Alrababah, No. 1:02-cr-00096-GBL (E.D.Va. Nov. 16, 2001)
26. United States v. al-Timimi, No. 1:04-cr-00385-LMB (E.D. Va. Sept. 23, 2004)
27. United States v. Amawi, No. 3:06-cr-00719-JGC (N.D. Ohio Feb. 16, 2006)
28. United States v. Aref, No. 1:04-cr-00402-TJM (N.D.N.Y. Aug. 6, 2004)
29. United States v. Arnaout, No. 1:02-cr-00892-SBC (N.D. Ill. Oct. 9, 2002) (related case: No. 1:02-cr-00414-JBG (N.D. Ill. May 29, 2002))

30. United States v. Assi, No. 2:98-cr-80695-GER (E.D. Mich. Aug. 4, 1998)
31. United States v. Awadallah, No. 1:01-cr-01026-SAS (S.D.N.Y. Oct. 31, 2001)
32. United States v. Awan, No. 1:06-cr-00154-CPS-VVP (S.D.N.Y. Mar. 10, 2006)
33. United States v. Azmath, No. 1:02-cr-00045-SAS (S.D.N.Y. Jan. 14, 2002)
34. United States v. Babar, No. 1:04-cr-00528-VM (S.D.N.Y. June 2, 2004)
35. United States v. Badri, No. 4:01-cr-0323-FJG (W.D. Mo. Nov. 14, 2001)
36. United States v. Batiste, No. 1:06-cr-20373-JAL (S.D. Fla. June 22, 2006) (the "Liberty City Seven" case)
37. United States v. Battle, No. 3:02-cr-00399-JO (D. Or. Oct. 3, 2002)
38. United States v. Benevolence International Foundation, No. 1:02-cr-00414-JBG (N.D. Ill. May 29, 2002)
39. United States v. Benkahla, No. 1:06-cr-00009-JCC (E.D. Va. Feb. 9, 2006)
40. United States v. Biheiri, No. 1:03-cr-00365-TSE (E.D. Va. Aug. 7, 2003)
41. United States v. Budiman, No. 1:02-cr-00074-GBL (E.D. Va. Feb. 21, 2002)
42. United States v. Chandia, No. 1:05-cr-00401-CMH (E.D. Va. Sept. 14, 2005)
43. United States v. Cromitie, No. 7:09-cr-00558-CM (S.D.N.Y. June 2, 2009)*
44. United States v. Damrah, No. 1:03-cr-00484-JG (N.D. Ohio Dec. 16, 2003)
45. United States v. Defreitas, No. 1:07-cr-00543-DLI (E.D.N.Y. June 28, 2007)
46. United States v. Doha, No. 1:01-cr-00832-RWS (S.D.N.Y. Aug. 27, 2002)
47. United States v. Dumeisi, No. 1:03-cr-00664-SBC (N.D. Ill. July 16, 2003)
48. United States v. Elashi, No. 3:02-cr-00052-SAL (N.D. Tex. Feb. 20, 2002)
49. United States v. Elfgeeh, No. 1:03-cr-00133-SJ (E.D.N.Y. Feb. 3, 2003)
50. United States v. el-Gabrowny, No. 1:93-cr-00181-MBM (S.D.N.Y. Mar. 17, 1993) (the "Sheikh Abdel Rahman/Landmarks and Tunnels" case)
51. United States v. el-Hage, No. 1:98-cr-01023-KTD (S.D.N.Y. Sept. 21, 1998) (the "Embassy Bombings" case)
52. United States v. el-Jassem, No. 1:73-cr-00500-JBW (E.D.N.Y. Mar. 17, 1973) (related case: United States v. al-Jawary, No. 1:73-cr-00481-UA (S.D.N.Y. May 23, 1973))
53. United States v. Elzahabi, No. 0:04-cr-00282-JRT-FLN-1 (D. Minn. July 7, 2004)*
54. United States v. Faris, No. 1:03-cr-00189-LMB (E.D. Va. Apr. 30, 2003)
55. United States v. Gadahn, No. 8:05-cr-00254-UA (C.D. Cal. Oct. 12, 2005)
56. United States v. Galicia, No. 1:01-cr-00411-LMB (E.D. Va. Oct. 25, 2001)
57. United States v. Goba, No. 1:02-cr-00214-WMS-HKS (W.D.N.Y. Oct. 21, 2002) (the "Lackawanna Six" case)
58. United States v. Grecula, No. 4:05-cr-00257-KPE (S.D. Tex. June 16, 2005)
59. United States v. Hamed, No. 1:02-cr-00082-JCC (E.D. Va. Feb. 26, 2002)
60. United States v. Hammoud, No. 3:00-cr-00147-GCM-CH (W.D.N.C. July 31, 2000)
61. United States v. Haouari, No. 1:00-cr-00015-JFK (S.D.N.Y. Jan. 19, 2000)
62. United States v. Hashmi, No. 1:06-cr-00442-LAP (S.D.N.Y. May 24, 2006)
63. United States v. Hassan, No. 1:03-cr-00171-SJ (E.D.N.Y. Feb. 13, 2003)
64. United States v. Hassoun, No. 0:04-cr-60001-MGC (S.D. Fla. Jan. 8, 2004) (the "Jose Padilla" case)
65. United States v. Hayat, No. 2:05-cr-00240-GEB (E.D. Cal. June 16, 2005)
66. United States v. Holy Land Foundation for Relief and Development, No. 3:04-cr-00240-JAS (N.D. Tex. July 26, 2004)
67. United States v. Hussain, No. 2:01-cr-01328-JS (E.D.N.Y. Dec. 4, 2001)
68. United States v. Hussein, No. 1:01-cr-10423-REK (D. Mass. Nov. 14, 2001)
69. United States v. Islamic American Relief Agency, No. 4:07-cr-00087-NKL (W.D. Mo. Mar. 6, 2007)

70. United States v. Idris, No. 1:02-cr-00306-CMH (E.D. Va. Mar. 21, 2002)
71. United States v. Iqbal, No. 1:06-cr-01054-RMB (S.D.N.Y. Nov. 15, 2006)
72. United States v. Isse, No. 1:02-cr-00142-JCC (E.D. Va. Apr. 3, 2002)
73. United States v. Jabarah, No. 1:02-cr-01560-BSJ (S.D.N.Y. Dec. 12, 2002)
74. United States v. Jaber, No. 5:05-cr-50030-JLH (W.D. Ark. Aug. 11, 2005)
75. United States v. James, No. 8:05-cr-00214-CJC (C.D. Cal. Aug. 31, 2005)
76. United States v. Janjalani, No. 1:02-cr-00068 (D.D.C. Feb. 12, 2002)
77. United States v. Khadr, No. 1:06-cr-10028-GAO (D. Mass. Feb. 28, 2006)
78. United States v. Khan, No. 1:08-cr-00621-NRB (S.D.N.Y. July 8, 2008)*
79. United States v. Lafi Khalil, No. 1:99-cr-01134-JBW (E.D.N.Y. Dec. 14, 1999)
80. United States v. Naji Khalil, No. 1:04-cr-00573-GBD (S.D.N.Y. June 17, 2004) (related case: No. 4:05-cr-00200-GH (E.D. Ark. July 26, 2005))
81. United States v. Khoury, No. 4:01-cr-00751-DH (S.D. Tex. Oct. 3, 2001)
82. United States v. Mustafa Kilfat, No. 2:01-cr-00792-AMW (D.N.J. Dec. 11, 2001)
83. United States v. Ahmad Kilfat, No. 2:01-cr-00793-AMW (D.N.J. Dec. 11, 2001)
84. United States v. Koubriti, No. 2:01-cr-80778-GER (E.D. Mich. Sept. 27, 2001) (the "Detroit Sleeper Cell" case)
85. United States v. Kourani, No. 2:03-cr-81030-RHC-RSW (E.D. Mich. Jan. 15, 2004)
86. United States v. Lakhani, No. 2:03-cr-00880-KSH (D.N.J. Dec. 18, 2003)
87. United States v. Lindh, No. 1:02-cr-00037-TSE (E.D. Va. Feb. 5, 2002)
88. United States v. Lopez-Flores, No. 1:01-cr-00430-GBL (E.D. Va. Oct. 24, 2001)
89. United States v. Maflahi, No. 1:03-cr-00412-NG (E.D.N.Y. Apr. 9, 2003)
90. United States v. Maldonado, No. 4:07-cr-00124-GHM (S.D. Tex. Apr. 2, 2007)
91. United States v. Mandhai, No. 0:02-cr-60096-WPD (S.D. Fla. May. 16, 2002)
92. United States v. Martinez-Flores, No. 1:01-cr-00412-TSE (E.D. Va. Oct. 25, 2001)
93. United States v. Marzook, No. 1:03-cr-00978 (N.D. Ill. Oct. 9, 2003)
94. United States v. Mehanna, No. 1:09-cr-10017-GAO (D. Mass. Jan. 15, 2009)*
95. United States v. Mohammed, No. 1:06-cr-00357-CKK-1 (D.D.C. Dec. 13, 2006)*
96. United States v. Moussaoui, No. 1:01-cr-00455-LMB (E.D. Va. Dec. 11, 2001)
97. United States v. Mubayyid, No. 4:05-cr-40026-FDS (D. Mass. May 11, 2005)
98. United States v. Mustafa, No. 1:04-cr-00356-JFK (S.D.N.Y. Apr. 19, 2004)
99. United States v. Niazi, No. 8:09-cr-00028-CJC (C.D. Cal. Feb. 11, 2009)*
100. United States v. Noman, No. 2:02-cr-00431-JWB (D.N.J. May 21, 2002)
101. United States v. Noorzai, No. 1:05-cr-00019-DC-1 (S.D.N.Y. Jan 6, 2005)*
102. United States v. Obeid, No. 3:05-cr-00149-TMR (S.D. Ohio Oct. 25, 2005)
103. United States v. Paracha, No. 1:03-cr-01197-SHS (S.D.N.Y. Oct. 8, 2003)
104. United States v. Paul, No. 2:07-cr-00087-GLF (S.D. Ohio Apr. 11, 2007)
105. United States v. Pervez, No. 1:02-cr-00174-JES (S.D.N.Y. Feb. 13, 2002)
106. United States v. Qureshi, No. 6:04-cr-60057-RFD-CMH (W.D. La. Oct. 13, 2004)
107. United States v. Rahimi, No. 1:03-cr-00486-DC (S.D.N.Y. April 17, 2003)*
108. United States v. Raissi, No. 2:01-cr-00911-EHC (D. Ariz. Oct. 9, 2001) (related case: No. 2:01-cr-01075-SRB (D. Ariz. Nov. 27, 2001))
109. United States v. Ranjha, No. 1:07-cr-00239-MJG (D. Md. May 23, 2007)
110. United States v. Ranson, No. 3:05-cr-00016-TSL-JCS (S. D. Miss. Feb. 18, 2005)
111. United States v. Rashed, No. 1:87-cr-00308-RCL (D.D.C. July 14, 1987)

112. Unites States v. Ressam, No. 99-cr-00666-ICC (W.D. Wash. Dec. 22, 1999) (the "Millenium Bomber" case)

113. United States v. Reid, No. 1:02-cr-10013-WGY (D. Mass. Jan. 16, 2002) (the "Shoe Bomber" case)

114. United States v. Rezaq, No. 1:93-cr-00284-RCL (D.D.C. July 15, 1993)

115. United States v. Rizvi, No. 1:01-cr-00418-WDM (D. Colo. Nov. 28, 2001)

116. United States v. Royer, No. 1:03-cr-00296-LMB (E.D. Va. June 25, 2003) (the "Virginia Jihad Network" case)

117. United States v. Salameh, No. 1:93-cr-00180-KTD (S.D.N.Y. Mar. 17, 1993) (the "World Trade Center I" and "Bojinka Plot" case)

118. United States v. Salim, No. 1:01-cr-00002-DAB (S.D.N.Y. Jan. 3, 2001)

119. United States v. Sattar, No. 1:02-cr-00395-JGK (S.D.N.Y. Apr. 9, 2002) (the "Lynne Stewart" case)

120. United States v. Serif Mohamed, No. 8:07-cr-00342-SDM-MAP (M.D. Fla. Aug. 29, 2007)

121. United States v. Tarik Shah, No. 1:05-cr-00673-LAP (S.D.N.Y. June 27, 2005)

122. United States v. Syed Shah, No. 3:02-cr-02912-MJL (S.D. Cal. Oct. 30, 2002)

123. United States v. Shannaq, No. 1:02-cr-00319-AMD (D. Md. July 2, 2002)

124. Unites States v. Shareef, No. 1:06-cr-00919 (N.D. Ill. Dec. 8, 2006)*

125. United States v. Shnewer, No. 1:07-cr-00459-RBK (D.N.J. June 5, 2007) (the "Fort Dix Plot" case)

126. United States v. Siddiqui, No. 1:08-cr-00826-RMB-1 (S.D.N.Y. Sept. 2, 2008)*

127. United States v. Siraj, No. 1:05-cr-00104-NG (E.D.N.Y. Feb. 9, 2005)

128. United States v. Subeh, No. 6:04-cr-06077-CJS-MWP (W.D.N.Y. Apr. 22, 2004)

129. United States v. Tabatabai, No. 2:99-cr-00225-CAS (C.D. Cal. Mar. 10, 1999)

130. United States v. Taleb-Jedi, No. 1:06-cr-00652-BMC (E.D.N.Y. Sept. 29, 2006)

131. United States v. Ujaama, No. 2:02-cr-00283-BJR (W.D. Wash. Aug. 28, 2002)

132. United States v. Villalobos, No. 1:01-cr-00399-GBL (E.D. Va. Oct. 17, 2001)

133. United States v. Walker, No. 3:04-cr-02701-DB (W.D. Tex. Dec. 8, 2004)

134. United States v. Warsame, No. 0:04-cr-00029-JRT-FLN (D. Minn. Jan. 20, 2004)

135. United States v. Yunis, No. 1:87-cr-00377 (D.D.C. Sept. 15, 1987)

Examples of Leaks in Federal Terrorism Cases

2001: East Africa Embassy Bombing Trial—The East Africa Embassy bombing trials made Usama bin Laden aware of cell phone intercepts, prompting al Qaeda to alter their methods of communication.

> *"The cost of disclosing information unwisely became clear after the New York trials of Bin Laden associates for the 1998 bombings of U.S. embassies in Africa. Some of the evidence indicated that the National Security Agency, the U.S. foreign eavesdropping organization, had intercepted cell phone conversations. Shortly thereafter, Bin Laden's organization stopped using cell phones to discuss sensitive operational details, U.S. intelligence sources said."* ***U.S. Wants To Build Case Against Bin Laden Without Aiding Him, The Star-Ledger*, 9/26/01**

> *"More details about the use of satellite phones by Mr. Bin Laden and his lieutenants were revealed by federal prosecutors in the 2001 trial in federal district court in Manhattan of four men charged with conspiring to bomb two American embassies in east Africa in 1998."* ***"Bush Account Of A Leak's Impact has Support," The New York Times, 12/20/05***

1997: Ramzi Yousef Trial—The trial of the first World Trade Center bomber, Ramzi Yousef, tipped off terrorists to a communications link that provided "enormously valuable intelligence" but was "shut down" after the disclosure.

> *"Again, during the trial of Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing, an apparently innocuous bit of testimony in a public courtroom about delivery of a cell phone battery was enough to tip off terrorists still at large that one of their communication links had been compromised. That link, which in fact had been monitored by the government and had provided enormously valuable intelligence, was immediately shut down, and further information lost."* ***Michael Mukasey, "Jose Padilla Makes Bad Law," The Wall Street Journal, 8/22/07***

1995: The Blind Sheikh Trial—The Omar Abdel Rahman ("Blind Sheik") trial provided intelligence to Usama bin Laden. Under federal rules of discovery, the government—as is routine in conspiracy cases—was required to give the defendants a list of unindicted co-conspirators. While this list was not classified, it was sensitive as it named others, including Usama bin Laden, whom the government believed were involved in the First World Trade Center bombing conspiracy. It was later learned that, within ten days of the disclosure, this list made it into the hands of bin Laden in Sudan, allowing bin Laden to see that the government had connected him to the conspiracy.

> *"In the multidefendant terrorism prosecution of Sheik Omar Abdel Rahman ... the government was required to disclose, as it is routinely in conspiracy cases, the identity of all known co-conspirators ... it was later learned that soon after the government's disclosure the list of unindicted co-conspirators had made its way to Bin Laden in Khartoum, Sudan."* ***Michael Mukasey, "Civilian Courts Are No Place To Try Terrorists," The Wall Street Journal, 10/19/09.***

In addition, in 2005, Lynne Stewart, the defense attorney for the Blind Sheikh, was convicted of material support to terrorism for passing messages from her client to his followers in al-Gama'a al-Islamiyya. Specifically, Stewart was accused of passing a message from the Blind Sheikh to members of his terrorist cell withdrawing his support for a cease-fire agreement with the Egyptian government. Stewart's conviction was upheld by the 2nd Circuit Court of Appeals in 2009.

> ***"A Veteran Civil Rights Lawyer Was Convicted Thursday Of Crossing The Line By Smuggling Messages Of Violence From One Of Her Jailed Clients - A Radical Egyptian Sheik - To His Terrorist Disciples On The Outside.*** *The jury deliberated 13 days over the past month before convicting Lynne Stewart, 65, a firebrand, left-wing activist known for representing radicals and revolutionaries in her 30 years on the New York legal scene. The trial, which began last June, focused attention on the line between zealous advocacy and criminal behavior by a lawyer."* ***N.Y. Lawyer Convicted Of Aiding Terrorists," AP, 2/10/05.***

2002: The Zacarias Moussaoui Prosecution—The prosecution of Zacarias Moussaoui resulted in the inadvertent disclosure of sensitive material to Moussaoui. During the discovery process, the FBI inadvertently gave 48 classified documents—reports of FBI interviews with witnesses—to the defense as part of the government's pretrial discovery response. These documents ended up in Moussaoui's cell. In ordering the US Marshals to seize the documents from his cell, the judge noted that "significant national security interests of the United States could be compromised if the defendant were to retain copies of this classified information."

> *"The government went to the judge and said, 'oops, we gave Moussaoui some documents he shouldn't have.' ... documents that the government says should have been classified."* ***"FBI Reveals New Details About 9/11 Hijackers," CNBC, 9/26/02***

> *THE COURT: . . . Now, I do want to follow up on a very serious point Mr. Moussaoui has said, and that is that there has been way too much discussion in the media about this case. Our local criminal rule 57.1(C) and (G) make it quite clear that counsel are not to make extrajudicial statements about a criminal case, including such things as commenting on the merits of issues, and competency of a defendant is a critical issue in a case. Also, I think it is absolutely appalling that people are talking about the contents of sealed hearings and then saying, "Oh, but I can't have my name attributed because it's under seal." "Under seal" means you don't talk about it at all, and it has to stop in this case. Now, I don't want to put a complete gag order on everybody. There are times when there are some mild statements that are necessary to keep the public and the press informed, but I do not want to see again in any media any attribution to sources close to the case or to counsel themselves directly commenting upon pleadings that are about to be filed, commenting upon issues in this case. It has to stop. This is a serious case. There are genuinely nuanced fact situations that involve this particular defendant. He has a right to an absolutely fair trial on the issue of his penalty, and it cannot go on like a circus. If I see any more what I think are inappropriate leaks, I'm going to ask the FBI to start an investigation, and this one I'm going to stay on. That applies to both the government and the defense team."* ***The Honorable Leonie Brinkema, United States of America vs. Zacarias Moussaoui, Trial Transcripts, p.33-34, 4/22/05***

PREPARED STATEMENT OF HON. RUSS FEINGOLD, A U.S. SENATOR FROM WISCONSIN

The Christmas Day attack on our country, by a regional al Qaeda affiliate in Yemen using an operative from Nigeria, underscored the global nature of the terrorist threat we face. If we are to stay ahead of al Qaeda, we must respond by improving our intelligence capabilities and developing better informed and more comprehensive counterterrorism strategies.

First, we must maximize our ability to anticipate radicalization and the emergence of new terrorist safe havens by fully integrating our Intelligence Community with the ways in which our government gathers information openly around the world. I have proposed an independent commission to do just that, and the Senate Intelligence Committee and full Senate have approved this proposal.

Second, we need counterterrorism strategies that take into account the local conflicts and conditions that allow al Qaeda to operate and that distract our partners from counterterrorism. That is why, last week, I joined with the chairmen of this committee and the Foreign Relations Committee to introduce a resolution requiring a comprehensive strategy for Yemen. In Somalia, the Sahel and elsewhere, our government needs to identify and tackle head-on the conditions that serve as an invitation to al Qaeda.

Finally, we simply cannot afford our current military escalation in Afghanistan. It is not necessary to counter the fewer than one hundred al Qaeda fighters in Afghanistan, and it risks further destabilizing an already dangerous Pakistan. Instead, we must develop and support sustainable, global and effective counterterrorism strategies.