

Testimony of Ken Gude  
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Before  
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Subcommittee on National Security  
And  
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For  
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Thank you Chairman Chaffetz, Ranking Member Cummings, the Chairs and Ranking Members of the two subcommittees, and all the Members of the Committee on Oversight and Government Reform, for inviting me to testify this morning. I am grateful for the opportunity to discuss my views on how we can best respond to the evolving tactics of ISIS and other terrorist groups to best protect the U.S. homeland from attack.

Improving national security programs that protect the American people is about managing and minimizing risk, because it is not possible to completely eliminate the risk of violence—whatever the motive—in an open society. The attacks in Paris and San Bernardino have understandably caused anxiety among many Americans. It is natural to be frightened by such senseless and brutal violence. We cannot help but imagine ourselves, our loved ones, our friends caught up in such terror.

In these difficult times, it is incumbent upon political leaders to reassure the American people that they are taking all of the appropriate steps to keep them safe now and in the long term. Our leaders must acknowledge shortcomings and work together across the aisle to improve our ability to meet a very real threat. What is unacceptable and dangerous to American security are the kind of rhetoric and policy proposals that attempt to exploit Americans' reasonable fears for political gain and try to push a jittery population toward increased hatred and prejudice. This distracts from real security needs with sensational fear mongering not based on facts and only plays into the hands of ISIS.

In addition to the responsibility to protect Americans, good governance requires that policymakers constantly strive to improve security measures and the efficacy of programs designed to screen entry into the United States, not only after new threats emerge, but all the time. Policy changes driven largely by fear in the immediate aftermath of terrorist attacks rarely prove wise in the medium and long term. While the vote to enhance the security procedures in the Visa Waiver Program on Tuesday was more measured and focused than other previous examples, it did move quickly and without process established to reconsider them should the security environment change. Even so, these changes addressed some potential

vulnerabilities without overly damaging a program that is vital to America's economic prosperity and openness.

Towards that end and at the direction of President Obama, the Departments of State and Homeland Security is now reviewing the K-1 visa program that allows fiancées of American citizens to enter the U.S. and was the program used by one of the alleged shooters in San Bernardino.

Additionally, we should be looking at other common sense reforms that would enhance the security of Americans, such as exploring public-private partnerships to increase our ability to combat terrorist recruiting online and steps to make it more difficult for those suspected of involvement in terrorism from being able to purchase the most dangerous weapons.

What we must avoid, however, is the kind of knee-jerk reaction in both our policies and our rhetoric that only plays right into the hands of ISIS. A centerpiece of ISIS strategy in the West is to provoke an anti-Muslim backlash by Western societies. ISIS leaders state this explicitly in their doctrine and their publications. They see an anti-Muslim backlash in the west as necessary to move the world toward their main narrative of a clash of civilizations between the West and Islam, with ISIS representing the only valid form of Islam.

We can and must be ruthless in defeating ISIS and the abhorrent ideology that drives it. Most of that effort must be undertaken at its source, in Syria and Iraq working with our allies and partners in the region. We can only do that if we join together with the overwhelming majority of Muslims that hate ISIS just as much—or more—and are dying in far greater numbers under the brutal assault of ISIS. Only our combined strength can destroy this terrorist group.

### **Anti-Muslim Backlash Is a Threat to American Security**

Hateful rhetoric and discriminatory policies that target Muslims are morally wrong and genuinely threaten the safety of Muslims in the United States. We have already seen an increase in hate crimes and discrimination against American Muslims. Beyond these very important concerns about Islamophobia, too little attention is paid in our policy and political debates to the clearly stated goal of ISIS to provoke Western societies to alienate their Muslim populations through words and deeds.

The horrific violence that was, for a time, limited to ISIS's main area of operations in Iraq and Syria has recently spread to countries near and far. The bombings in Ankara and Beirut, the downing of a Russian airliner over Egypt's Sinai Peninsula, and the bombings and shootings in Paris mark a shift in ISIS's strategy to take its war to the next stage.<sup>1</sup> We do not yet know the full extent of the connection of ISIS to the San Bernardino shootings or whether ISIS leadership played any role in directing that attack. In any event, these planned attacks are not merely the actions of nihilists or random killings to slake a rampant bloodlust. Rather, according to

Jason Burke, journalist and author of numerous books on Al Qaeda and other terrorist groups, ISIS has three goals: to terrorize, mobilize, and polarize.<sup>2</sup>

The first objective of any terrorist organization, including ISIS, is to intimidate civilian populations and force governments to make rash decisions that they otherwise would not choose. William McCants, a scholar at The Brookings Institution, wrote in the wake of the Paris attacks that the leaders of ISIS “have thought long and hard about the utility of violence and the value of scaring ordinary people.”<sup>3</sup> By denying us freedom from fear, terrorists hope we will dismantle our other freedoms – like the freedom of religion, speech, or assembly – and be drawn into a conflict that saps our strength in the Middle Eastern desert. Fear driven by brutality is an effective method of social control.

The strategic mastermind behind the rise of ISIS, a former colonel in Saddam Hussein’s Iraqi intelligence service who went by the pseudonym Haji Bakr, plotted ISIS’s growth through the systematic application of incredible violence.<sup>4</sup> Haji Bakr’s plan called for “the elimination of every person who might have been a potential leader or opponent.”<sup>5</sup> It proved successful in gaining control of the Syrian city of Raqqa, and under Bakr’s leadership, ISIS began using this strategy to expand to areas outside of its original base in Syria and into Iraq. This provided the basis for declaring a caliphate in June 2014.

ISIS’s second objective is to motivate its supporters and enhance its legitimacy in the areas where it has seized control. A 2004 essay called “The Management of Savagery”—written by Abu Bakr Naji for the precursor to ISIS, Al Qaeda in Iraq—outlined many elements of the strategy that ISIS now pursues. It describes that “its specific target is to motivate crowds drawn from the masses to fly to the regions which we manage, particularly the youth.”<sup>6</sup>

Scott Atran, the director of research at France’s National Center for Scientific Research, wrote of ISIS that the complexity of the Paris attacks and the clear success at recruiting French and EU nationals “enhances its legitimacy in the eyes of its followers.”<sup>7</sup> Multiple teams operating in different areas of the city, attacking simultaneously and with varied methods, recalls spectacular terrorist attacks such as Mumbai in 2008 or 9/11 and demonstrates disciplined military tactics. ISIS said of the recent attacks that it left “Paris and its residents ‘shocked and awed,’” clearly a reference to the U.S. description of the bombing campaign in Iraq in 2003, as well as how ISIS hoped the attacks would be received among its supporters.<sup>8</sup>

The third objective, which Burke describes as “the most important,” is to generate a response that will alienate Muslim populations from their governments, particularly in the West, and thus increase the appeal of the ISIS caliphate among them.<sup>9</sup> Harleen Gambhir of the Institute for the Study of War, identifies this as part of “ISIS’s plan to eliminate neutral parties through either absorption or elimination, in preparation of eventual all-out battle with the West.”<sup>10</sup>

Preparation for that all-out battle is central to understanding how ISIS sees the world. Its English-language magazine, *Dabiq*, is named after a Syrian city featured in a prophecy in which, according to McCants, the Prophet Muhammad “predicts the Day of Judgment will come after the Muslims defeat Rome at al-Amaq or Dabiq.”<sup>11</sup> An essay in the February 2015 edition of *Dabiq* describes the world as comprised of “two camps before the world for mankind to choose between, a camp of Islam ... and a camp of kufr—the crusader coalition.”<sup>12</sup> In between those two camps is something that ISIS calls “the grayzone,” composed of either “hypocrites” or “‘independent’ and ‘neutral’ Islamic parties that refuse to join the Khilafah [Caliphate, or ISIS].”<sup>13</sup>

It is the Muslims in this so-called grayzone that are the target of the ISIS effort at polarization. The essay in *Dabiq* cited above is titled “The Extinction of the Grayzone.” ISIS uses the existence of its self-described caliphate in Iraq and Syria and its terrorist attacks outside of its area of operations to compel “the crusaders to actively destroy the grayzone themselves.”<sup>14</sup> This will happen, ISIS argues, because “Muslims in the West will quickly find themselves between one of two choices, they either apostatize ... or they perform hijrah [emigrate] to the Islamic State [ISIS] and thereby escape persecution from the crusader governments.”<sup>15</sup> ISIS wants a clash of civilizations between itself and the West, after all Muslims have either abandoned the faith or joined ISIS. Essentially, the subsuming of all existing Muslim nations into the caliphate is a precursor to the final war with the rest of humanity.

### **Access and Screening on Entry to the United States**

Many of the changes to the Visa Waiver Program that passed the House this week represent the right way to go about adopting new security measures at our borders and beyond—increasing intelligence gathering capabilities and tightening security protocols, but importantly, not shutting down whole programs or denying access in an arbitrary manner. I may not agree with every aspect of the bill and would have preferred a mechanism that would have required Congress to revisit some of these changes in the future. Critically, however, the impact of the changes only adds levels of screening to the entry process and still provides a pathway into the United States for all affected individuals should their visa application be approved.

The K-1 visa program that allows fiancé(e)s of United States citizens to enter the country provided they intend to marry within 90 days of entry has come under scrutiny because one of the alleged shooters in the San Bernardino attack entered as the fiancé of the other shooter. Although we do not yet know whether any derogatory information could have been obtained had the background and security checks been more rigorous than they already are—we do not, at this point, know the trajectory of the couple’s radicalization, for instance—it makes sense to step back and assess the current background and security check process.

I recognize that the House has already acted on this issue, but should it come before this body again, I join with former Secretaries of State Henry Kissinger and Madeleine Albright, and former Generals Michael Hayden and David Petraeus, and

urge the House to reconsider its action to effectively shut down the Syrian and Iraq refugee programs.

This action was taken in great haste in the wake of the ISIS attacks in Paris and with incomplete information about the role, if any, Syrian asylum seekers played in that attack. With the benefit of a little more time and hindsight, it is now possible to recognize that this program has sufficient safeguards to adequately manage the risk associated with accepting Syrian and Iraqi refugees. The system of screening and background checks for Syrian and Iraqi refugees is already the most rigorous for any entry system into the United States. Each refugee goes through 21 separate steps before being admitted into the United States, a process that takes on average two years.

Shutting down this program in an effort to eliminate any risk associated with Syrian and Iraqi refugees would be counterproductive. It would only intensify the pressure on countries in the region and our European partners and contribute to the cycle of destabilization that would likely exacerbate the refugee problem in the future. Thus the pursuit of a zero risk policy may actually increase the risk rather than eliminate it.

At the same time, we should always explore ways to improve the security check process. The administration could direct law enforcement and intelligence agencies to devote greater staff and resources to the background and security check process. Congress should support those efforts through increased appropriations. The United States also could help to lead a multilateral effort to initiate more intelligence-gathering efforts in the refugee camps. This could be done by conducting more interviews and collecting more biometric and biographic data.

### **Other Steps to Protect the Homeland**

The ability of terrorist groups like ISIS to use modern communications technology, particularly social media, to transcend national boundaries, spread their messages of hate and violence, and recruit new members has prompted fresh calls for technology companies to do more to fight terrorism. There is likely more than can be done, for example, greater resources devoted to working with law enforcement and intelligence agencies to block ISIS and other terrorist affiliated social media accounts spreading hateful propaganda.

It is, however, a policy debate that should be approached with caution. First, often the best way to identify suspected terrorists is through monitoring known social media accounts linked to terrorist groups. There is a risk that we may inadvertently shut down a critical path for detecting and preventing terrorist attacks. Second, these issues are extremely complex and given the technology involved there is little understanding of the appropriate trade offs between security and privacy involved in certain decisions.

Both House Homeland Security Committee Chairman Michael McCaul and Senate Minority Leader Harry Reid have recently and separately propose a national commission to examine the issues related to security, privacy, social media communications, and encryption in the context of the current threats we face.<sup>16</sup> Such a commission could be the ideal forum to give these issues the level of consideration they need and deserve.

One common sense reform that would help manage the risk of additional terrorist attacks is making it more difficult for those suspected of links to terrorism to purchase the weapons of mass murder. Current federal law prohibits access to firearms for nine categories of dangerous people in the United States but inclusion on the consolidated terrorism watch list is not one of them.<sup>17</sup>

We know that international terrorist groups are seeking to exploit this vulnerability. For example, an al Qaeda video tells its followers that, "America is awash with easily obtainable firearms... So what are you waiting for?"<sup>18</sup> The GAO found that that individuals on the terror watch list were successfully able to purchase a firearm more than 2,000 times over a ten-year period.<sup>19</sup>

Opponents of this measure—often the same people that demand zero risk on refugees—claim that the terrorism watch list “contain a significant number of errors,” of people that should not be on the lists and therefor should not be used to restrict the ability to purchase weapons.<sup>20</sup> That argument accepts a level of risk associated with the possibility that a suspected terrorist could easily purchase the most dangerous weapons is very hard to reconcile with the demand of zero risk in other areas.

Additionally, concern that the terrorism watch list has too many false positives can be overcome with a strong process that allows individuals erroneously denied a gun to reverse the decision and be removed from the watch list. Rep. Peter King and Sen. Dianne Feinstein have a bill that would establish such a robust process while at the same time prevent those the government suspects of links to terrorism of purchasing the kinds of weapons used in the San Bernardino attacks. The fact that the alleged perpetrators were not on a terror watch list or no-fly list should not give us comfort when thousands on those lists are buying weapons.

## **Conclusion**

ISIS is not going to win this war. Its apocalyptic worldview and horrific violence will always prevent the group from obtaining broad support from any population, even if they are cowed into submission under ISIS brutal control. Ultimately, there is no amount of alienation or discrimination that could drive sufficient numbers to ISIS to affect the ultimate outcome of this conflict. What is in doubt is the duration of the battle and how bloody it will be.

To best protect the homeland, we must manage and minimize the risk of terrorist attack by constantly examining our security structures and enacting measured reforms when new vulnerabilities emerge. The worst way to protect the homeland is to engage in wild demagoguery and Islamophobia that has too often typified the public debate in the wake of Paris and San Bernardino.

Should the United States fail to snap out of this spasm of anti-Muslim sentiment that has followed in the wake of the Paris attacks, then the level of alienation that is currently more prevalent in Europe could become common here. This would provide ISIS with additional fuel to prolong this war and increase the loss of innocent lives. If, however, the United States and other Western societies view our fellow citizens—who happen to be Muslim and want freedom, democracy and justice as much as we do—as our partners in defeating the objectives of ISIS, and if we make common cause with the overwhelming majority of Muslims around the world who want to destroy ISIS, then this will be a shorter conflict with far fewer lives lost.

We cannot account for the utter barbarism of ISIS. But we are in complete control of how we react to it.

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<sup>1</sup> Eric Schmitt, "Paris Attacks and Other Assaults Seen as Evidence of a Shift by ISIS," *The New York Times*, November 22, 2015, available at <http://www.nytimes.com/2015/11/23/world/europe/paris-attacks-isis-threatens-west.html? r=1>.

<sup>2</sup> Jason Burke, "Islamic State 'Goes Global' with Paris Attacks," *The Observer*, November 14, 2015, available at <http://www.theguardian.com/world/2015/nov/14/islamic-state-goes-global-paris-attacks>.

<sup>3</sup> Will McCants, "How the Islamic State Declared War on the World," *Foreign Policy*, November 16, 2015, available at <https://foreignpolicy.com/2015/11/16/how-the-islamic-state-declared-war-on-the-world-actual-state/>.

<sup>4</sup> Christoph Reuter, "Secret Files Show Structure of Islamic State," Spiegel Online International, April 18, 2015, available at <http://www.spiegel.de/international/world/islamic-state-files-show-structure-of-islamist-terror-group-a-1029274.html>.

<sup>5</sup> Ibid.

<sup>6</sup> William McCants, translator, "The Management of Savagery by Abu Bakr Naji" (Cambridge, MA: John M. Olin Institute for Strategic Studies at Harvard University, 2006), available at <https://azelin.files.wordpress.com/2010/08/abu-bakr-naji-the-management-of-savagery-the-most-critical-stage-through-which-the-umma-will-pass.pdf>.

<sup>7</sup> Scott Atran and Nafees Hamid, "Paris: The War ISIS Wants," *The New York Review of Books*, November 16, 2015, available at <http://www.nybooks.com/blogs/nyrblog/2015/nov/16/paris-attacks-isis-strategy-chaos/>.

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<sup>8</sup> Madison Pauly, "The Latest Issue of ISIS's Magazine Is As Terrible As You'd Think," *Mother Jones*, November 18, 2015, available at <http://www.motherjones.com/mojo/2015/11/isis-magazine-dabiq-paris-beirut-russia>.

<sup>9</sup> Burke, "Islamic State 'Goes Global' With Paris Attacks."

<sup>10</sup> Harleen Gambhir, "ISIS Global Intelligence Summary: January 7 – February 18" (Washington: Institute for the Study of War, 2015), available at [http://www.understandingwar.org/sites/default/files/INTSUM\\_Summary\\_update.pdf](http://www.understandingwar.org/sites/default/files/INTSUM_Summary_update.pdf).

<sup>11</sup> William McCants, "ISIS Fantasies of an Apocalyptic Showdown in Northern Syria," The Brookings Institution, October 3, 2014, available at <http://www.brookings.edu/blogs/markaz/posts/2014/10/03-isis-apocalyptic-showdown-syria-mccants>.

<sup>12</sup> ISIS, "The Extinction of the Gray Zone," *Dabiq*, February 2015, available at <https://ansarukhilafah.wordpress.com/2015/02/14/the-extinction-of-the-grayzone/>.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Julian Hattem, "Homeland Chair Moves to Rein In 'Dark' Networks," *The Hill*, December 7, 2015, available at: <http://thehill.com/policy/cybersecurity/262322-homeland-chair-moves-to-rein-in-dark-networks> And, Office of Senator Harry Reid, "Senate Democrats Announce Legislation to Defeat ISIS And Keep America Safe," Press Release, December 7, 2015, available at: [http://www.reid.senate.gov/press\\_releases/2015-12-07-reid-senate-democrats-announce-legislation-to-defeat-isis-and-keep-america-safe](http://www.reid.senate.gov/press_releases/2015-12-07-reid-senate-democrats-announce-legislation-to-defeat-isis-and-keep-america-safe)

<sup>17</sup> Center for American Progress, "The Terror Gap," Fact Sheet, November 20, 2015, available at: [http://www.reid.senate.gov/press\\_releases/2015-12-07-reid-senate-democrats-announce-legislation-to-defeat-isis-and-keep-america-safe](http://www.reid.senate.gov/press_releases/2015-12-07-reid-senate-democrats-announce-legislation-to-defeat-isis-and-keep-america-safe)

<sup>18</sup> Sudip Bhattacharya, "Al Qaeda Video Resurfaces Urging Radicals to Buy Guns in U.S," CNN.com, April 12, 2013, available at: <http://www.cnn.com/2013/04/11/politics/al-qaeda-video/index.html>

<sup>19</sup> Center for American Progress Fact Sheet, at note 17.

<sup>20</sup> Shahien Nasiripour, "Rubio Questions Legitimacy of Terror Watch Lists," *The Huffington Post*, December 6, 2015, available at: [http://www.huffingtonpost.com/entry/rubio-terror-watch-lists\\_566442c1e4b072e9d1c67df3](http://www.huffingtonpost.com/entry/rubio-terror-watch-lists_566442c1e4b072e9d1c67df3)



## Ken Gude Biography

Ken Gude is a Senior Fellow with the National Security Team at American Progress. He also leads several of the organization's policy initiatives and projects.

Gude has worked at the Center since its founding in 2003—serving in numerous roles, including Chief of Staff and Vice President, and Managing Director of the National Security and International Policy team. Gude's work focuses on the mutually reinforcing goals of security and liberty in the fight against terrorism. He covers a broad range of subjects for CAP, including surveillance, detention, the use of force, war powers, and lethal targeting.

Prior to joining American Progress, Gude was a policy analyst at the Center for National Security Studies, where he focused on post-September 11 civil liberties issues. He also had stints at the Council on Foreign Relations and the British Labour Party. He has been published in numerous print and online publications, including the *Los Angeles Times*, *The Guardian*, and *The Philadelphia Inquirer*; is a frequent commentator in print and broadcast media; and has contributed to the books *Protecting Democracy: International Responses* and *Power and Superpower*.