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Statement before the Joint Committee of the
Subcommittee on National Security and Subcommittee on Government Operations
On Radicalization in the US and the Rise of Terrorism

Our Ability to Detect and to Stop Lone Wolf and Small Cell Terrorists Will Depend on Enhancing the Role of Local Law Enforcement

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My name is Matt A. Mayer. I am a visiting fellow for national security issues at the American Enterprise Institute for Public Policy Research. The views I express in this testimony are my own and should not be construed as representing any official position of the American Enterprise Institute.

Thank you for the opportunity to appear before the joint committee today. In lieu of restating the research I've done over the past decade and in my book *Homeland Security and Federalism: Protecting America from Outside the Beltway*, I would respectfully direct you to my page on the American Enterprise Institute website (https://www.aei.org/scholar/matt-a-mayer/), where you can read the various reports I've written on this hearing's topic.

I'd rather spend my brief time with you framing the challenges that remain with radicalization in the US and the rise of terrorism, especially as it relates to homegrown violent extremists inspired, enabled, or directed by terrorist groups.

With more than 315 million people in the US and our firm commitment to liberty, securing those people is among the most difficult activities our domestic national security apparatus engages in. The list of vulnerabilities across America is nearly endless. From malls to restaurants to businesses to events, a determined terrorist merely has to acquire a means to sow harm.

As we have seen over the past few years, that means can come in the form of pressure cooker bombs at the Boston Marathon, a semiautomatic pistol at a Texas military base, a hatchet on a sidewalk in Queens, or a rifle and handgun in an Orlando nightclub. The injuries and deaths from any terrorist attack are tragic and senseless.

As security experts have noted since the September 11, 2001, terrorist attack, America will remain a top target of terrorist groups and their adherents. Likewise, our domestic national security apparatus will not be able to detect and stop every attack. Perfect security, if possible, can occur only in a totalitarian regime in which freedom is nonexistent. Americans fully understand the price of freedom is living in a risk-inherent society.

Because our domestic national security apparatus cannot stop every attack, however, does not mean it should not stop attacks by terrorists of whom it has knowledge. We will miss the terrorists who leave no trace of their plans before acting. We cannot miss the terrorists who provide clues about their intent or states of mind before acting. The fact that the FBI had investigated and interviewed Omar Mateen several times indicates something went wrong.

No matter how hard federal, state, and local law enforcement tries, it is often policy failures that result in terrorists evading detection and launching attacks. Consider this: had federal policy been in place that would have alerted the FBI of Mateen's purchase of weapons, the FBI could have questioned the storeowner, resumed surveillance of Mateen, and possibly secured a warrant to search his home and computer. Based on news reports, the result of such a search would have led to Mateen's arrest, and his attack would have been thwarted.

Both sides can debate the constitutional questions surrounding weapons bans and list purchase prohibitions, but a policy in which a simple alert is generated when someone who has been under investigation buys a gun could have prevented the Orlando terrorist attack without infringing a core constitutional right. Do we really need to debate whether such a common-sense approach is a constitutionally safe way to balance our security and liberty?

We may not get every investigation right, but we can make sure our policies give our domestic national security apparatus the greatest chance to detect and stop terrorists before they act.

As noted in June, the FBI, with roughly 13,000 agents, doesn't have the resources to adequately cover more than 1,000 active probes and the tens of thousands of tips it receives every year. The

FBI is not alone, however. Standing next to those 13,000 agents are more than 1.1 million badged local law enforcement officers ready to lend a hand at a moment's notice.

If we want to increase our chances against lone wolf and small cell terrorists, we must more fully leverage the men and women in local law enforcement. I have written extensively over the past decade on several key reforms that would strengthen our domestic national security apparatus.

First, the FBI and other federal law enforcement entities must do a better job of sharing information and intelligence with local law enforcement. It appears that in both the Boston Marathon bombing and the Orlando nightclub mass shooting, the FBI failed to alert local law enforcement about investigations it had conducted of the terrorists. More broadly, information and intelligence sharing by federal law enforcement entities still is largely dependent on the individuals heading the respective offices.

To succeed at detecting and stopping terrorist attacks, our federal and local law enforcement entities must be bolted together firmly to ensure all resources available are marshalled, leveraged, and synchronized. I respectfully suggest the ideal locations to bring federal and local players together are the Joint Terrorism Task Forces (JTTFs) located in most major US cities. Other information and intelligence-sharing initiatives operating separately from the JTTFs only increase the odds that key terrorism data do not get shared or inadvertently do not make it into a JTTF investigation.

Next, federal terrorism funds must be directed to support human intelligence (HUMINT) operations by local law enforcement in key locations. With the substantial increase in terrorists' use of encrypted technology, the ability of our domestic national security apparatus to use signals intelligence to detect terrorists is diminishing. As I proposed in early January, Congress should launch a commission to investigate and provide recommendations on how to evolve our domestic national security apparatus while also protecting our civil liberties. Our domestic national security apparatus faces a difficult challenge as terrorists and other criminals evolve their operations with technological changes.

To overcome this challenge, local law enforcement should increase the use of HUMINT—monitoring, surveillance, and undercover work—to identify terrorist plots and cells. This work should be done in accordance with procedures erected to protect civil liberties and in partnership with the FBI. The programs at the Los Angeles Police Department (LAPD) and the New York Police Department provide strong models on which to base this program.

In conjunction with the use of HUMINT, local law enforcement must counterbalance that hard power by deploying more soft power as well. Last month, I outlined the development of Regional Outreach Groups (ROGs) in at least 24 jurisdictions across America. ROGs will bring together law enforcement entities and Muslim community groups and mosque leaders to strengthen connections and build trust. It is vital that ROGs are led by local law enforcement entities and not federal entities. As with the HUMINT program, federal terrorism funds should support this vital work modeled on the LAPD's outreach program.

Finally, given the enormous resources—personnel, experience, and relationships—existing in states and localities, it is time those entities had permanent seats at the National Security Council. By giving governors, mayors, and local law enforcement permanent seats, we can ensure that our domestic national security policy maximizes the resources they have to contribute and properly represents their equities, concerns, and inputs. For too many years, federal entities have served as gatekeepers of state and local injects into national policymaking. Under our tripartite

system of sovereignty, state and local governments deserve their own representatives and voices in Washington, DC.

After a tragic national event, the urge by policymakers is to enact new legislation that deals with an element of the event. Terrorists inherently seek to exploit gaps and vulnerabilities. Policymakers and experts could spend their lives and the nation's treasury trying to close every gap and vulnerability. Such an approach is destined to fail and only curtail our freedom.

Instead of reacting to what happened in the past, Congress should preemptively enact reforms that address what we imagine will be elements of future attacks. By strengthening the relationship between the components of our domestic national security apparatus, we can inject fidelity into the system. By broadening the use of HUMINT by local law enforcement, we can insert nimbleness and uncertainty into the system. By deepening connections and trust among local law enforcement and the Muslim diaspora, we can inoculate our communities from the virus spread by radical Islamic groups. By leveraging the expertise residing in communities across America in the development of our domestic national security policy, we can boost the odds that we adopt policies that will actually work.

Whether we like it or not, the use of terrorism by those who hate us or seek to use conflict with us to rally adherents to their warped cause will be our constant bedfellow for decades to come. In June, a survey showed that 93 percent of young Iraqis regard the United States as their enemy. We may or may not be able to change hearts and minds in the Middle East, but we certainly can put in place policies here that protect Americans from the worst emanations of our enemies. When it comes to protecting our cities and the people therein, local law enforcement must play a more prominent role. Thank you for the opportunity to testify and answer any questions you may have.

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Committee on Oversight and Government Reform
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Name:

Matt A. Mayer

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2012. Include the source and amount of each grant or contract.

N/A

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None.

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I certify that the above information is true and correct.

Signature: Date: 6/20/16

Matt A. Mayer Biography

Matt A. Mayer is a visiting fellow at the American Enterprise Institute (AEI), where he works on homeland security, counterterrorism, domestic preparedness and response issues, immigration, and border security. He serves concurrently as president of Opportunity Ohio, which advocates for free markets, job creation, entrepreneurship, and government accountability in Ohio to improve the state's economic climate.

Before joining AEI, Mr. Mayer served as counselor to the deputy secretary of the US Department of Homeland Security (DHS). He provided policy and operational advice to senior officials at DHS. He also has served as the acting executive director, senior policy advisor, and chief of staff of the Office of State and Local Government Coordination and Preparedness where he managed the $3.5 billion DHS office to meet the demands of a post-9/11 environment in America.

Mr. Mayer has worked on national security and homeland security issues for various institutions. Before DHS, he was the deputy director of the Colorado Department of Regulatory Agencies where he codeveloped a system to notify stakeholders electronically of all proposed regulations.

His books include "The Founding Debate: Where Should the Power over Our Lives Reside" (Provisum Strategies, 2013); "Taxpayers Don't Stand a Chance: Why Battleground Ohio Loses No Matter Who Wins (and What to Do about It)" (Provisum Strategies, 2012); and "Homeland Security and Federalism: Protecting America from outside the Beltway" (Praeger Security International, 2009). His many articles have been published in law reviews, public policy journals, and daily newspapers. Mr. Mayer appears regularly on television, including Fox News, C-SPAN, and other major media outlets. He has also testified before the US Congress, the Texas State Senate and House of Representatives, and the Ohio Senate and House of Representatives.

Mr. Mayer has a law degree from the Moritz College of Law at Ohio State University and a B.A. from the University of Dayton.

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