

# THE OOGA BOOGA\* CONTINUES TO WEAR OFF

Two and a half years ago, I noted how TSA head John Pistole pointed to a plot the FBI created while he was still its Deputy Director to justify the use of VIPR teams to stop people on non-aviation public transportation.

A couple of weeks back, I pointed to John Pistole's testimony that directly justified the expansion of VIPR checkpoints to mass transport locations by pointing to a recent FBI-entrapment facilitated arrest.

Another recent case highlights the importance of mass transit security. On October 27, the Federal Bureau of Investigation (FBI) arrested a Pakistan-born naturalized U.S. citizen for attempting to assist others whom he believed to be members of al Qaida in planning multiple bombings at Metrorail stations in the Washington, D.C., area. During a sting operation, Farooque Ahmed allegedly conducted surveillance of the Arlington National Cemetery, Courthouse, and Pentagon City Metro stations, indicated that he would travel overseas for jihad, and agreed to donate \$10,000 to terrorist causes. A federal grand jury in Alexandria, Virginia, returned a three-count indictment against Ahmed, charging him with attempting to provide material support to a designated terrorist organization, collecting information to assist

in planning a terrorist attack on a transit facility, and attempting to provide material support to help carry out multiple bombings to cause mass casualties at D.C.-area Metrorail stations.

While the public was never in danger, Ahmed's intentions provide a reminder of the terrorist attacks on other mass transit systems: Madrid in March 2004, London in July 2005, and Moscow earlier this year. Our ability to protect mass transit and other surface transportation venues from evolving threats of terrorism requires us to explore ways to improve the partnerships between TSA and state, local, tribal, and territorial law enforcement, and other mass transit stakeholders. These partnerships include measures such as **Visible Intermodal Prevention and Response (VIPR)** teams we have put in place with the support of the Congress. [my emphasis]

Now to be clear, as with Mohamed Mohamud's alleged plot, Ahmed's plot *never existed* except as it was performed by FBI undercover employees. In fact, at the time the FBI invented this plot, now TSA-head Pistole was the Deputy Director of FBI, so in some ways, Ahmed's plot is Pistole's plot. Nevertheless, Pistole had no problem pointing to a plot invented by his then-subordinates at the FBI to justify increased VIPR surveillance on "mass transit and other surface transportation venues." As if the fake FBI plot represented a real threat.

Today, a NYT piece raises questions about VIPR's efficacy (without, however, noting how TSA has pointed to FBI-generated plots to justify it).

T.S.A. and local law enforcement officials say the teams are a critical component of the nation's counterterrorism efforts, but some members of Congress, auditors at the Department of Homeland Security and civil liberties groups are sounding alarms. The teams are also raising hackles among passengers who call them unnecessary and intrusive.

"Our mandate is to provide security and counterterrorism operations for all high-risk transportation targets, not just airports and aviation," said John S. Pistole, the administrator of the agency. "The VIPR teams are a big part of that."

Some in Congress, however, say the T.S.A. has not demonstrated that the teams are effective. Auditors at the Department of Homeland Security are asking questions about whether the teams are properly trained and deployed based on actual security threats.

It'd really be nice if NYT had named the "some" in Congress who had raised concerns. Particularly given its focus on TSA's expanding budget, which Congress has the ability to cut.

The program now has a \$100 million annual budget and is growing rapidly, increasing to several hundred people and 37 teams last year, up from 10 teams in 2008. T.S.A. records show that the teams ran more than 8,800 unannounced checkpoints and search operations with local law enforcement outside of airports last year, including those at the Indianapolis 500 and the Democratic and Republican national political

conventions.

But I'm most fascinated by TSA's second (again, unnamed) defense of the program.

T.S.A. officials would not say if the VIPR teams had ever foiled a terrorist plot or thwarted any major threat to public safety, saying the information is classified. But they argue that the random searches and presence of armed officers serve as a deterrent that bolsters the public confidence.

As with the telephone metadata dragnet, they won't say whether they've actually thwarted a plot. Instead, they effectively say security theater "bolsters the public confidence."

Let's hope those "some in Congress" the NYT won't identify do act to defund this.

Foreign Policy's Editor-at-Large David Rothkopf expresses optimism that we have finally begun to wake up from the spell the decade of fearmongering has put us under.

We have come to what could be seen as the end of an ignominious period in U.S. national security history, one that might be called the Decade of Fear. And though it was the 9/11 attacks that ushered this period in, our response in the months and years afterward defined it far more than those blows ever could. At a moment when the United States could have seen the terrorist threat as being as limited and peripheral, we over-reacted – grotesquely.

We didn't react to the moment. We didn't seize it. We succumbed to it.

Instead, we allowed our fear to drive the creation of a massive government security apparatus, huge expenditures, and reckless global programs. Compared to the number of people, groups, or

weapons systems threatening us, our investment in our response to said threats redefines “disproportionate” in the annals of a government where excess has been a hallmark of our military-industrial complex. And that’s saying something.

Gradually, this excess came to haunt us. War spending with its \$2-3 trillion price tag exacerbated our national financial burdens at a time of great economic crisis. Our wars of over-reach and ideological hysteria damaged our international standing and incited political backlash at home. Recently, some of the secret initiatives launched to contain the perceived (but amorphous and largely illusory) were revealed to have risked not only American personal freedoms but also international relationships in ways that no terrorist could ever hope to achieve.

This in turn has finally created a reaction, a retrenchment, and, thankfully, a movement back to a more rational national security.

Certainly the polling on the balance between security and liberty after the Boston Marathon attack reflects this. As does polling on whether Edward Snowden is a whistleblower or villain. So, too, does the widespread skepticism about the latest Yemen scare.

Rothkopf endorses something I and others suggested after Janet Napolitano announced her departure: either give Department of Homeland Security a mandate that includes real urgent threats to the “homeland,” such as resilience in the face of climate change related disasters and possibly even mitigation approaches, or shut it down.

If Rothkopf is right that the spell is beginning to wear off (it may be wearing off in flyover

country, but members of Congress and their lobbyist funders still seem to buy it), then we really need to take several big picture steps back to discuss what the real risks to the country are. Before we waste more trillions on security theater and pointless wars.

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\*Note, the term Ooga booga clearly has racist roots. I use it here to convey, in part, that the fearmongering relies in part on racially-coded fears.