

Feds vs. the NYPD How sniping hurts terror fight

By AITAN D. GOELMAN

The most worrisome thing about the case against José Pimentel, also known as “Muhammad Yusuf,” for allegedly building a bomb and planning terrorist attacks in New York isn’t what it says about the threat of homegrown radical Islamists staging attacks as al Qaeda-inspired “lone wolves.” Rather, it’s what the aftermath of his arrest reveals about the increasingly dysfunctional relationship between state and federal anti-terrorism authorities, particularly in New York.

Since 9/11, there have been very few successful terrorist attacks on US soil. We’ve grown used to stories about would-be jihadists arrested before they can do any damage. Often, law enforcement learns about ongoing plots through confidential informants or undercover agents posing as radical Islamists, either online or in person. This track record of success has allowed us the luxury of debating whether those implicated in these cases were truly a threat, and even whether the law-enforcement asset in the plot was too proactive.

The authorities’ ability to thwart most attacks is the result of a number of factors – including luck, the willingness of American Muslims to provide law enforcement with information and the diligence and focus of anti-terrorist law enforcement, including the multi-agency Joint Terrorism Task Forces around the country.

One key teaching of the 9/11 Commission was the danger of unnecessary walls

and turf wars that too often prevented information-sharing among law enforcement agencies. Post-9/11 changes and an emphasis on multi-agency cooperation seemed to have at least partially ameliorated this problem. But the Pimentel case shows that the rivalry between agencies is alive and well.

There have long been simmering tensions between various law enforcement agencies involved in the fight against terrorists, especially in New York, where the NYPD maintains its own Intelligence Division & Counterterrorism Bureau. These frictions broke out into the open last week after Pimentel was indicted on terrorism and other charges by the Manhattan DA. Almost immediately, press reports cited unidentified law-enforcement authorities as questioning the strength and/or importance of the bust, suggesting that the case was too weak to go federal, or even that Pimentel’s arrest was the result of entrapment by the NYPD.

This sniping echoes the aftermath of the arrest of would-be subway bomber Najibullah Zazi in 2009, when law-enforcement officials – again anonymous but almost certainly federal – blamed the NYPD Intelligence Division for compromising the integrity of the investigation by disclosing its existence to a NYPD informant who, in turn, alerted Zazi.

This sort of public finger-pointing is dangerous. It’s tough to see how a case is weak

when authorities reportedly have a videotape of the defendant building a bomb. But, putting aside the questionable nature of some of the criticism, it obviously degrades trust – and therefore information-sharing – by prompting every law-enforcement agency to worry that confidential investigative decisions will be selectively leaked to make the agency look bad in the press.

The public sniping also provides support to those who argue that these plots are largely the creation of investigators, and it can complicate efforts to develop sources in the community who are willing to work with law enforcement. Notably, just days after Pimentel was arrested, hundreds of Muslims demonstrated against the NYPD Intelligence Division’s information-gathering techniques, which they characterized as akin to those used in a police state. (Also feeding this fear was a recent Associated Press series that also relied on anonymous quotes, presumably from federal officials.)

In the absence of a successful mega-attack in the last decade, it is natural, perhaps even inevitable or healthy, for society to grow less vigilant about terrorism. But infighting among law enforcement will only weaken authorities’ ability to prevent the next successful terrorist plot.

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