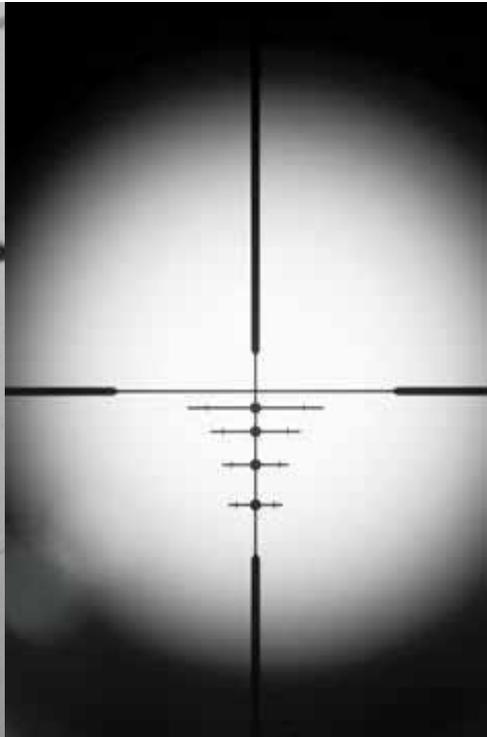




# The Tactical and Strategic Use of Small Arms by Terrorists

**Daveed Gartenstein-Ross & Daniel Trombly**



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**Daveed Gartenstein-Ross  
Daniel Trombly**

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## About The Authors

**Daveed Gartenstein-Ross**, the director of the Center for the Study of Terrorist Radicalization (CSTR) at the Foundation for Defense of Democracies, focuses his research on the challenges posed by violent non-state actors. He is the author or volume editor of eleven books and monographs, including *Bin Laden's Legacy* (Wiley, 2011). He has also published widely in the popular and academic press, including in *Foreign Policy*, *The Atlantic*, *Reader's Digest*, *The Wall Street Journal Europe*, *Studies in Conflict & Terrorism*, *The Yale Journal of International Affairs*, and the German political science journal *Der Bürger im Staat*.

In addition to his academic contributions, Gartenstein-Ross consults for clients who need to be at the forefront of understanding violent non-state actors and twenty-first century conflict. His client work has included live hostage negotiations in the Middle East, border security work in Europe, expert witness work for asylum seekers from Africa, story and series development for major media companies, and strategic consultations for major defense contractors. He also regularly designs and leads training for the Department of Defense's Leader Development and Education for Sustained Peace (LDESP) courses (helping to prepare U.S. and partner-nation soldiers for deployments to critical theaters), the State Department's Office of Anti-Terrorism Assistance, and domestic law enforcement.

Gartenstein-Ross is a Ph.D. candidate in world politics at the Catholic University of America, where he received a M.A. in the same subject. He earned a J.D., *magna cum laude*, from the New York University School of Law, and a B.A., *magna cum laude*, from Wake Forest University.

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## About the Foundation for Defense of Democracies

The Foundation for Defense of Democracies is a non-profit, non-partisan policy institute dedicated exclusively to promoting pluralism, defending democratic values, and fighting the ideologies that drive terrorism. Founded shortly after the attacks of 9/11, FDD combines policy research, democracy and counterterrorism education, strategic communications, and investigative journalism in support of its mission.

FDD focuses its efforts where opinions are formed and decisions are made, providing cutting-edge research, investigative journalism and public education - transforming ideas into action and policy.

FDD holds events throughout the year, including the Leading Thinkers series, briefings on Capitol Hill, expert roundtables for public officials, diplomats and military officers, book releases, and panel discussions and debates within the policy community.



For more information, please visit [www.defenddemocracy.org](http://www.defenddemocracy.org).

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January 10, 2012

Mr. Clifford May  
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Dear Cliff:

In your role as President of the Foundation for Defense of Democracies, I would like to respectfully request your assistance in conducting an analysis of the problem most commonly known as the "terror gap."

Specifically, under current law, federal law enforcement has no authority to block sales of firearms to suspects on terrorist watch lists. What is even more alarming is that this terror loophole is being heavily exploited. An April 2011 Government Accountability Office report found that between 2004 and 2010, over 1,300 individuals on terrorist watch lists successfully obtained guns and explosives from licensed dealers.

To address this threat, I have introduced the "Denying Firearms and Explosives to Dangerous Terrorists Act" (H.R. 1506). H.R. 1506 would close this glaring loophole in our federal criminal code by allowing the Department of Justice to block the sale, delivery, or transfer of firearms or issuance of permits to any individual that has been engaged in or has provided support for terrorist activities. This bipartisan legislation was first drafted and endorsed by President Bush's Justice Department, and has since received support from President Obama's Justice Department.

Knowing of your valued contributions to the national security community and your interest in promoting Second Amendment rights while ensuring the safety of our citizens, I hope that your Foundation would be willing to help us better understand one aspect of the problem we are confronting. Specifically, what is the importance of firearms to terrorists, and how might we see firearms figure in future terrorist strategies and tactics? Understanding the connection of

terrorists' ability to obtain firearms to overall terrorist plans and capabilities will serve as an important part of understanding the impact of this legislation, and falls squarely within your Foundation's areas of research.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'P.T.K.', is written over a horizontal line.

PETER T. KING  
Member of Congress

## Executive Summary

Recently Rep. Peter King (R-NY), the Chairman of the House Committee on Homeland Security, introduced H.R. 1506, the “Denying Firearms and Explosives to Dangerous Terrorists Act.” This legislation is designed to address what Rep. King has described as the “terror gap,” federal law enforcement’s lack of authority to block sales of firearms to individuals on terrorist watch lists. As proposed, the act would allow the attorney general to deny the transfer or purchase of a firearm if “the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.”

To better understand the impact of the proposed legislation, Rep. King requested that the Foundation for Defense of Democracies examine “the importance of firearms to terrorists,” including the role of firearms in “future terrorist strategies and tactics,” and “the ability to attain firearms to overall terrorist plans and capabilities.” This report is the result of our examination of the factors requested by Rep. King.

The report details several aspects of this issue:

- Al Qaeda in particular has seen the ready availability of firearms in the U.S. as significant to its strategy. Its American spokesman Adam Gadahn claimed in a June 2011 video that “America is absolutely awash with easily obtainable firearms.” He encouraged his audience to undertake individual terrorist attacks on their own initiative.

- Small arms are quite useful for terrorist organizations. They are among the most tactically flexible weapons for complex operations, and for lone wolf or small-group attackers, they are one of the most simple to use and readily available options. For this reason, small arms will continue to be an obvious choice not only for al Qaeda, but also for other terrorist groups that wish to carry out attacks.
- The study goes on to examine, in detail, various potential uses of small arms by terrorists and terrorist groups based on categories of usage. The typologies this study examines are assassinations, single-shooter attacks, two-shooter teams, mass attacks and frontal assaults, complex urban warfare attacks, hostage taking, robberies, and siege warfare.
- The fact that small arms figure in terrorist groups’ strategic thought, and can be useful to terrorists, does not answer the question of whether H.R. 1506 is desirable legislation. The study explores constitutional considerations, concluding that because of legitimate Second Amendment concerns, legislation allowing the government to block gun sales should be narrowly tailored. A key provision in H.R. 1506, as currently worded, falls short in this regard.
- However, H.R. 1506 does provide a robust right of judicial review. The act allows review in a U.S. district court, where anyone who is blocked from purchasing a gun may challenge that determination. The court will sustain the attorney general’s decision to block the sale based on a preponderance-of-evidence standard.

- Finally, the national security implications of the proposed legislation are unclear, but do not appear to be considerable. A comprehensive review of the incidents that comprise this study does not reveal any cases where H.R. 1506 was clearly likely to have saved lives. The fact that H.R. 1506 is unlikely to have saved lives in past domestic terrorism cases is not a perfect predictor of the future by any means: cases may arise where the legislation can, and does, save lives. But using the past as a guide, the security benefits of the legislation should not be oversold.

## Introduction

Public discussions of terrorism tend to focus on dramatic tactics such as suicide bombings. Interest—particularly political interest—in more mundane tools, such as small arms, tends to be cyclical. Occasional crises, like the infamous November 2009 shooting rampage at Fort Hood, Texas, throw into stark relief the fact that firearms can be used to carry out lethal acts of terrorism. Following such attacks, there is media attention, but it generally fades quickly.

Congress is currently considering legislation on the connection between firearms and terrorism during a relatively quiet period, rather than in the midst of, or immediately after, a crisis. Recently, Rep. Peter King, the Chairman of the House Committee on Homeland Security, introduced H.R. 1506, the “Denying Firearms and Explosives to Dangerous Terrorists Act.” Rep. King has described this legislation as addressing the “terror gap”—federal law enforcement’s lack of authority to block sales of firearms to individuals on terrorist watch lists. To better understand the possible impact of this legislation, Rep. King requested that the Foundation for Defense of Democracies examine “the importance of firearms to terrorists,”

including the role of firearms in “future terrorist strategies and tactics,” and “the ability to attain firearms to overall terrorist plans and capabilities.”<sup>1</sup> This report is the result of our examination of the factors requested by Rep. King.

## Small Arms in Context

Al Qaeda and affiliated groups have long sought to inflict maximum economic and psychological costs on the West while incurring the least possible expense.<sup>2</sup> Illustrating this, German authorities recently uncovered a strategy paper produced by al Qaeda’s senior leadership. It outlines the group’s war-of-attrition strategy: a combination of complex, multi-member operations and also smaller attacks.<sup>3</sup> For a small actor embracing an attrition-based strategy against a more powerful opponent, this is an effective combination. Complex large-scale plots suggest that terrorism could do catastrophic damage, and thus may force the target to expend significant resources to prevent these attacks. Meanwhile, smaller operations can create a relatively steady threat stream. Small-scale attacks thus help to foster an atmosphere of fear and paranoia about terrorist threats, and test the enemy’s defenses. Further, each small plot—even phantom threats—can drive up costs.<sup>4</sup>

A spectacular example of a complex large-scale operation is the “urban warfare” assault that brought the global megalopolis of Mumbai to a standstill from November 26-29, 2008. And an effective small-scale attack was the 2009 shooting in Texas’s Fort Hood, in which Major Nidal Hasan shot 13 people to death and wounded 29. Jihadi spokesmen have referenced Hasan frequently since then, trumpeting an assault that took place with no risk or expense to themselves. Indeed, in June 2011, al Qaeda’s media production arm Al Sahab released a one-hundred-minute video urging Muslims to undertake

individual jihad. New al Qaeda emir Ayman al Zawahiri featured prominently, as did the group's American representative Adam Gadahn, who advised sympathizers to attack targets of opportunity in the United States with firearms.<sup>5</sup> Gadahn's portion of the video offered a simple, practical method for future attacks. The faithful living in America, he urged, should take advantage of the country's gun stores and gun shows. Gadahn said, "America is absolutely awash with easily obtainable firearms." Concluding with the overwrought flourish typical of his rhetoric, Gadahn asked his viewers: "So, what are you waiting for?"

For both large-scale and small-scale attacks, firearms figure prominently in al Qaeda's strategy. A considerable corpus of written works underlies the significant role given to small arms. For years, al Qaeda and other jihadi organizations have published documents on the value of these weapons. In Abd al Aziz al Muqrin's *A Practical Course for Guerrilla War*, a book based on writings that first appeared in al Qaeda's online journal *Mu'askar al Battar*, multiple chapters describe tactical and operational planning for urban warfare. Techniques covered include assassination, hostage taking, attacking motorcades, assaulting and clearing fixed targets, and setting up ambush positions. Additional volumes cover the acquisition and maintenance of small arms.<sup>6</sup>

Small arms are among the most tactically flexible weapons for complex operations, and for lone wolf or small-group attackers, they are one of the most simple-to-use and readily available options. For this reason, small arms will continue to be an obvious choice not only for al Qaeda, but also for other terrorist groups that wish to carry out attacks. Understanding the tactical and strategic use of small arms by terrorists is thus important to

assessing threats and vulnerabilities within the United States.

## Methodology

In this study, we define small arms as a category in the same way as Owen Greene and Nicholas Marsh in a collected volume they recently edited on the topic. The term *small arms* includes revolvers and self-loading pistols, sporting shotguns and rifles, craft produced firearms, military rifles and carbines, submachine guns, assault rifles, and light machine guns.<sup>7</sup> As for the term *terrorism*, we utilize the definition provided by Bruce Hoffman in his seminal work *Inside Terrorism*. Hoffman defines terrorism as "the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change." Terrorists, "through the publicity generated by their violence," attempt to "obtain the leverage, influence and power they otherwise lack to effect political change on either a local or an international scale."<sup>8</sup> This study's primary focus is on groups and individuals whose actions satisfy this definition of terrorism. However, we also examine some cases where the individuals carrying out violent acts do not satisfy this definition, yet employ tactics indicative of what terrorists may be able to do with small arms.

The study substantively examines a number of instances in which terrorists have employed small arms. This examination is divided into several categories, beginning with offensive operations. In *assassinations*, terrorists use small arms to target a specific individual of political or symbolic value. In contrast, *single-shooter attacks* aren't aimed at a specific individual. Instead, they may focus on a symbolic target or location of importance to the enemy. Through *two-shooter teams*, terrorists can conduct more sophisticated sniper-style attacks over extended periods, the prototypical example

being the “Beltway sniper” attacks that kept the greater Washington, D.C., area in fear for three weeks in October 2002. Small arms can be used in *mass attacks and frontal assaults* where terrorists raid fixed targets. They can also be used in *complex urban warfare attacks*, with multi-man teams and hybrids of the aforementioned tactics. The 2008 Mumbai attacks represent a devastating example of urban warfare.

In addition to offensive operations, terrorists rely on small arms for other purposes. Terrorists have used small arms in *hostage taking*, which can advance their broader military goals or, more simply, raise money. Terrorists have also utilized small arms to conduct criminal activities, such as *robberies*, for financial purposes. Small arms can also play a *defensive* role—for example, in *siege warfare* situations.

In examining these typologies, we have sought to rely where possible on primary sources, such as court cases and official reports that extensively analyze available information to reconstruct specific incidents (such as, for example, the Report from the Special Counsel to the Los Angeles County District Attorney’s Office on Robert F. Kennedy’s assassination). Where primary sources were either unavailable or failed to illuminate specific points we considered to be of particular relevance, we drew on credible and reliable open-source information that would be accepted in the professional and academic worlds. To assist in crafting a more comprehensive big picture or theoretical view of some of these phenomena, we turned to secondary-source academic literature; for example, a 1999 review article on assassination in the United States from the *Journal of Forensic Sciences* provided extremely useful statistical analysis of the means by which assassinations tend to be conducted domestically.

The typologies we have just outlined are not mutually exclusive. For example, a massed attack that captures a building can evolve into siege warfare when law enforcement arrives. The Mumbai attacks demonstrate this, as teams conducted frontal assaults on critical targets, took hostages, and when security forces arrived, dug in to engage them in extended sieges. By examining the scenarios in which terrorists have employed, or can employ, small arms, this study highlights possible vulnerabilities, and demonstrates why small arms appeal to terrorist organizations even in an age of sophisticated and proliferating options.

Finally, this study concludes with analysis of H.R. 1506, the Denying Firearms and Explosives to Dangerous Terrorists Act proposed by Rep. King.

## Assassinations

On September 6, 1901, President William McKinley held a public reception at the Temple of Music in the Pan-American Exposition in Buffalo, New York.<sup>9</sup> He appeared to be well protected: the Secret Service, Buffalo police detectives, and Army soldiers provided security at the event. As McKinley shook hands with members of the crowd, a man approached with a hand wrapped in bandages. Inspired by the speeches of anarchist political philosopher Emma Goldman, Leon Czolgosz had traveled to Buffalo upon hearing that the president would be at the exhibition. Concealed in his bandaged hand was a revolver, which he fired twice. One shot glanced off McKinley’s ribs, but the other struck his stomach, kidney, and pancreas. President McKinley died just over a week later after desperate attempts to save his life.

McKinley’s assassination was just one event in a wave of attempted killings of politicians, industrialists, and other prominent public figures by the anarchist movement in the late nineteenth

and early twentieth century. Since then, small arms have figured prominently in assassination attempts in both the twentieth and twenty-first centuries. One such assassination—the Serbian nationalist group Black Hand’s killing of Austro-Hungarian Archduke Franz Ferdinand—helped to trigger the First World War, and another American president would fall to an assassin’s bullet in 1963.

In most conventional assassinations, the overarching goal is to kill the intended target rather than cause wider casualties. In some cases, terrorists kill others in order to facilitate their escape, but some surrender instead. In the U.S., the most popular choice of firearm for assassination attacks has been pistols or machine pistols. Handgun-sized weapons accounted for 51% of assassinations in the U.S. between 1949 and 1996, while long guns such as rifles or shotguns accounted for only 30% (the next most common choices being knives and explosives).<sup>10</sup> While some prominent assassinations, such as the killings of Martin Luther King, Jr. and President John F. Kennedy, were conducted with sniper rifles, the comparative difficulty of long-range marksmanship makes the more easily concealable and transportable handgun a more popular choice.

1968 represented a high-water mark for political assassinations in the United States, as both Martin Luther King and Robert Kennedy were killed that year. James Earl Ray, an admirer of Rhodesia’s white-dominated government who had worked as volunteer in George Wallace’s racially-charged campaign,<sup>11</sup> shot King as he gave a speech on a motel balcony on April 4, 1968, in Memphis, Tennessee. Ray used a Remington 760 Gamemaster rifle, a pump action weapon with a .30-06 round, which he bought under an alias in Birmingham, Alabama.<sup>12</sup> He hit King in the head,

wounding him fatally. The shooting triggered riots in urban areas throughout the United States.

Exactly two months later, on June 4, Senator Robert F. Kennedy—the frontrunner to be the Democratic presidential nominee—was shot and killed in California. Kennedy had declared his victory in that day’s state primary at an event at the Ambassador Hotel in Los Angeles. With just an ex-FBI agent and two unofficial bodyguards for security, Kennedy practiced a personal campaign style, and even when moving through the hotel’s kitchen to a press conference he eagerly shook hands with staff and supporters. As Kennedy shook the hand of teenage busboy Juan Romero, his assassin, Sirhan Sirhan, rushed over with a .22 caliber revolver and fired multiple rounds before being restrained by the crowd.<sup>13</sup> Five others were wounded, and after more than a day of intensive surgery, Kennedy succumbed to his wounds. Sirhan Sirhan was a Christian Arab who said in court testimony that he shot Kennedy because of the senator’s support for Israel.<sup>14</sup>

Armenian groups carried out a wave of assassinations against Turkish diplomats in the U.S., Canada, and Europe during the 1970s and 1980s. The first such killing occurred in January 1973, when the elderly Armenian-American writer Gourgen Yanikan lured the consul general and vice-consul of the Turkish Consulate in Los Angeles to meet with him at a Santa Barbara hotel. He told them that he could arrange the return of valuable Turkish artifacts. Yanikan shot them both to death, then immediately called 911 to surrender. His motivation was the Armenian genocide that Turkey carried out just after the First World War: he intended to both take revenge and raise awareness about this historical episode.<sup>15</sup>

Yanikan acted alone, but Armenian militants soon viewed him as a symbol of their cause. While the vast majority of attacks by groups such as the

Justice Commandos Against Armenian Genocide (JCAG) and the Armenian Secret Army for the Liberation of Armenia (ASALA) took place in Europe, some North American members of these groups used methods similar to Yanikan's. Hampig "Harry" Sassounian, an affiliate of the Armenian Revolutionary Federation (of which JCAG was the covert militant wing), assassinated a subsequent consul general of Los Angeles's Turkish Consulate, Kemal Arikian. Sassounian, an Armenian-American born in Lebanon, conspired with Krikor Saliba, who was never apprehended. Both men waited at an intersection of a street Arikian usually took to work.<sup>16</sup> When Arikian's car appeared at the intersection, Sassounian and Saliba surrounded it from both sides and fired multiple .45 caliber and 9mm handgun rounds through the driver and passenger window, and then fled.<sup>17</sup>

In 1984, members of The Order, a militant white separatist group (whose other operations will receive treatment later in the study) assassinated liberal talk radio host Alan Berg. Berg was Jewish and an obvious target for the white separatists' enmity, particularly after he mocked and eviscerated the arguments of neo-Nazi callers on his show.<sup>18</sup> Members of The Order staked out Berg's home, one of them armed with a MAC-10 machine pistol that had been illegally converted into a fully automatic weapon.<sup>19</sup> When Berg got out of his car after dinner, he was shot multiple times before the killers fled.

In 1990, El Sayyid Nosair concealed a handgun to conduct a close-range assassination when he killed Meir Kahane. Kahane, a rabbi and former Israeli politician known for his extreme nationalism, was delivering a speech in Brooklyn, New York. Nosair disguised himself as a Sephardic Jew, thus avoiding the suspicions of Kahane's Orthodox supporters.<sup>20</sup> Nosair approached Kahane and shot him in the

neck and chest with a .357 caliber magnum revolver.<sup>21</sup> As the assassin fled, he shot and injured an elderly man who attempted to prevent his escape, only to encounter an armed United States Postal Inspection Service officer outside. In the resulting exchange of gunfire, the officer was shot in his bulletproof vest, while Nosair was hit in the neck and dropped his weapon.

William Kunstler, Nosair's flamboyant lawyer, first advised him to plead insanity; but after trying to pack the jury with "third-world people" during selection, Kunstler instead argued that there was a conspiracy to frame Nosair for what might have been a killing by one of Kahane's disgruntled followers.<sup>22</sup> The jury ultimately convicted Nosair of assault, possession of an illegal firearm, and the shooting of the Postal Inspection Service officer, but not Kahane's murder—despite witness testimony and ballistic forensics supporting the charge. By way of background, Nosair was a follower of Sheikh Omar Abdel Rahman, the "blind sheikh" who was convicted in 1995 of playing a role in a conspiracy to attack prominent New York City landmarks. During the investigation of the Nosair case, evidence that might have shed light on the wider organization of Abdel Rahman's followers was ignored. New York City Police Department investigators "resisted attempts to label the Kahane assassination a 'conspiracy'" in order to expedite the judicial process, and thus failed to translate and analyze documents indicating preparation for terrorist attacks by the cell that would later carry out the World Trade Center bombing of 1993.<sup>23</sup>

Though it isn't clear that his actions constituted an act of terrorism, Jared Lee Loughner attempted in January 2011 to assassinate Rep. Gabby Giffords (D.-AZ.) in Tucson. Loughner approached Giffords as she sat at a table with her staff at a public event, and shot her in the head at

close range. He proceeded to fire the rest of his magazine at surrounding people rather than try to escape, and continued until the crowd subdued him.<sup>24</sup> Armed with a 9mm Glock and an extended 33-round magazine, Loughner managed to kill six and injure thirteen.

In all of the above-discussed assassinations, except for the killing of Martin Luther King, the *modus operandi* was close-range killing with a small-caliber pistol. Proximity and surprise are critical in such attacks, especially for relatively untrained terrorists. Assassinations involving sniper rifles usually require a greater degree of shooting experience, and a more complex plan that must take into account both the target and the shooter's location. Either through relatively simple deception (such as Nosair's disguise or Yanikan's ruse), or persistence (such as Sassounian's observation of Arian's car routes or The Order's stakeout), terrorists can ensure that even an inexperienced shooter can act with lethal force.

## Single-Shooter Attacks

Terrorists may choose to conduct shootings at locations of symbolic or practical importance rather than directly targeting specific public figures. In January 1993, Aimal Kasi, a Pakistani native living in Reston, Virginia, purchased an AK-47 semiautomatic rifle with the intent of attacking targets linked to either the U.S. or Israeli government. After weighing attacks against CIA headquarters and the Israeli embassy, he chose the former. "It was easier because CIA officials are not armed," Kasi later explained in a written statement.<sup>25</sup>

On January 25, Kasi stopped his pickup truck at a red light outside the CIA's headquarters in Langley, Virginia. He got out of the vehicle and started firing at other cars that were waiting at the light: he fired ten rounds, killing two people and

wounding three others before fleeing. Kasi then hopped onto a flight to Pakistan, where he hid out near the border with Afghanistan. FBI agents finally apprehended Kasi in Pakistan on June 15, 1997, and returned him to Virginia for prosecution. According to his confession, made on the flight back to the U.S., Kasi wanted to kill CIA officials because of numerous political grievances, including U.S. airstrikes against Iraq, the "killing of Pakistanians by U.S. components," and the CIA's involvement in Muslim countries.<sup>26</sup>

On July 4, 2002, Hesham Mohamed Hadayet, an Egyptian national, brought .45 caliber and 9mm handguns, along with a knife, to the El Al ticket counter at Los Angeles International Airport. He began firing with the .45 caliber pistol at close range, killing two Israeli nationals, and wounding four other people at the counter. He also stabbed and injured a security guard who ultimately fatally shot him. Though Hadayet was unconnected to a formal terrorist organization, the FBI concluded that this was an act of terrorism: Hadayet was motivated by "his intention to advance the Palestinian cause in the Israel-Palestine conflict through the killing of civilians and the targeting of an airline owned by the Government of Israel."<sup>27</sup>

In June 2009, Abdulhakim Mujahid Muhammad, a convert to Islam who had spent sixteen months in Yemen, shot two soldiers who were on a smoke break outside a military recruiting center in Little Rock, Arkansas. Muhammad killed Private William Andrew Long and wounded Private Quinton Ezeagwula. Firing from a car, he used a SKS semi-automatic rifle, but also had another rifle, two handguns, homemade suppressors, and 562 rounds of ammunition. Muhammad claimed he would have killed more soldiers had he been able to receive better training for martyrdom operations (though in his handwritten confession, he claimed to have been sent by al Qaeda in the

Arabian Peninsula, or AQAP).<sup>28</sup> Law enforcement officials claimed Muhammad had also researched military bases, government buildings, and Jewish institutions as possible targets of attack, and the amount of weaponry he possessed indicated his intention to continue killing.

Among recent terrorist attacks, the most devastating single-shooter killing spree occurred in November 2009 at a dining facility on the Fort Hood military base near Killeen, Texas.<sup>29</sup> Major Nidal Hasan had recently received orders to deploy to Afghanistan, a mission that would have been at odds with his increasingly extreme Islamic beliefs. Shouting “*Allahu Akbar*,” Hasan drew a FN 5.7mm handgun, and proceeded to inflict the most deadly shooting spree on a U.S. military base in history.

Hasan had long experimented with fundamentalist beliefs, and ultimately adopted an ideology sympathetic to al Qaeda. In 2001, he had attended the Dar al Hijrah mosque in Virginia, and the mosque’s imam—Anwar al Awlaki—later figured prominently in Hasan’s religious thinking. Awlaki became a prominent ideologue for AQAP, as well as the group’s director of external operations, and was ultimately killed by a U.S. drone strike in Yemen in late September 2011. Hasan continued to communicate with Awlaki even after the imam became a high-profile figure in the jihadi movement. Prior to his shooting, Hasan told Awlaki in an e-mail that “I can’t wait to join you” in the afterlife.<sup>30</sup> Nevertheless, the Fort Hood shooting was a “lone wolf” attack: Awlaki’s role was only inspirational.

Hasan purchased his pistol on July 31, 2009, and practiced at a civilian shooting range thereafter. On the day of the shooting, Hasan also brought a .357 magnum revolver, though he did not appear to use it in his attack.

Hasan initially opened fire by spraying rounds around the room, then began to single out individual soldiers. His goal appeared to be killing as many soldiers as possible, and Hasan still had 177 rounds of unfired ammunition when base civilian police officers shot and arrested him. Soon after the attack, al Qaeda spokesmen began issuing public praise of Hasan. Gadahn, for example, praised the “mujahid brother” as a “pioneer, a trailblazer and a role-model” for “every Muslim who finds himself among the unbelievers.”<sup>31</sup>

Some single-person attacks have combined a shooting spree with bomb attacks. In Norway, the self-proclaimed “conservative revolutionary” Anders Breivik set off a bomb in Oslo, and then, disguised as a police officer, massacred campers at a Labour Party youth camp in Utøya. Of the two means of attack, his assault with a firearm proved far more lethal. In writings that he posted online, Breivik exhaustively documented his preparations to build the ANFO fertilizer bomb that killed eight.<sup>32</sup> But with two legally-purchased firearms, a Ruger Mini-14 rifle, and a pistol, Breivik killed sixty-nine by selecting an unprotected and secluded target.

Breivik had been exempt from Norway’s mandatory military service, and was only self-taught as a shooter.<sup>33</sup> As America’s experience with school shootings such as the Columbine and Virginia Tech massacres demonstrates, individuals without formal training can inflict a great number of casualties using conventional firearms.

The most recent prominent single-shooter attack was carried out by Mohammed Merah. Merah, who was of French-Algerian descent, used a scooter to conduct a series of killings in France’s Toulouse and Montauban during March 2012.

On March 11, Merah conducted his first shooting in Toulouse. Using a stolen Yamaha scooter, he

shot an off-duty Moroccan-born French paratrooper with a .45 caliber pistol.<sup>34</sup> On March 15, using the same firearm and scooter, Merah traveled to Montauban and killed two uniformed paratroopers, injuring a third. On March 19, Merah attacked the Ozar Hatorah Jewish school in Toulouse. He first shot a rabbi outside the gates, along with two of his sons, and then he began firing as he entered the schoolyard. After a 9mm pistol he used in the attack jammed, he switched to his .45 caliber pistol and executed a schoolgirl at point-blank range. One other person was seriously wounded.<sup>35</sup>

Merah fled, and authorities tracked him to his apartment in Toulouse a few days later. A siege situation resulted, with Merah firing at the police through his door. Despite attempts to communicate with him, and intimidate him through setting off explosive charges, Merah was killed after being forced into the open by a breaching attempt. After bursting out of his bathroom “shooting insanely” at officers, Merah was shot in the head, and fell from the window of his apartment.<sup>36</sup>

Merah claimed to be working with al Qaeda. He had outlined a number of grievances, including French discrimination against Muslims, the country’s involvement in Afghanistan, and the Israeli-Palestinian conflict.<sup>37</sup> At the time of his death, Merah had a large stockpile of weapons, including a Kalashnikov derivative rifle, a Sten gun, an Uzi, several pistols, and a shotgun.<sup>38</sup> Without question, Merah planned to conduct other attacks had he not been besieged.

## Two-Shooter Teams

Single shooters—both those who fit the definition of terrorism and those who do not—have been able to inflict a great number of casualties in a short period of time. But another model shows

how a small team, with careful selection of targets and patience, can stretch out their action for a period of weeks, creating more confusion, fear, and economic losses.

Over the course of three weeks in October 2002, in Maryland, Virginia, and Washington, D.C., John Allen Muhammad and Lee Boyd Malvo, the “Beltway sniper” team, demonstrated the effectiveness of a two-man team for conducting a sustained, tactically sophisticated attack. The small team model allowed the two to operate unimpeded and unseen in the midst of a major metropolitan area. They traveled in a Chevy Caprice with a modified trunk that allowed the shooter to fire concealed, while the other team member was at the wheel driving and observing. A similar model was previously used in the 1990s by the Provisional Irish Republican Army (IRA): it employed two cars, both of which had CB radios. Muhammad had decided on this arrangement after reading an IRA manual describing the group’s tactics.<sup>39</sup>

Even though the attacks were popularly known in the media as a “sniper” case, the shots were in fact made from relatively short range for a rifle, 50 to 100 yards, using a holographic sight and bipod. Additional equipment included walkie-talkies and a GPS system. As Sergeant Major Mark Spicer of the British armed forces testified, the two used the methodology of a sniper team to plan shots from concealed locations and evade authorities, albeit without the sort of long-range rifle usually associated with military sniper tactics.<sup>40</sup> This arrangement meant that the shooter didn’t have to be an extremely proficient marksman, although Muhammad had earned an Expert Rifleman’s Badge for the standard-issue assault rifle during his Army service. The vehicular shooting platform meant that Muhammad and Malvo could evade being identified by law enforcement.

The firearm used in these shootings was a Bushmaster XM15-E2S rifle, semiautomatic and legal in the United States.<sup>41</sup> The rifle was chambered for the widely-available 5.56mm round, which made acquisition of new ammunition easy.

The attacks, carried out with just a single rifle, were highly disruptive. The Court of Special Appeals of Maryland described the effect on Montgomery County:

Seized with epidemic apprehension of random and sudden violence, people were afraid to stop for gasoline, because a number of the shootings had occurred at gas stations. Schools were placed on lock-down status. On one occasion, Interstate 95 was closed in an effort to apprehend the sniper.... The sense of dread that hovered over the entire community was immeasurable.<sup>42</sup>

Muhammad was violating gun laws by possessing a firearm while under a restraining order. Moreover, Muhammad had previously been the lead suspect in a 1991 grenade attack against fellow soldiers in the U.S. Army's 84th Engineering Company as they prepared for "the ground-attack phase of the Gulf War."<sup>43</sup> According to retired Sgt. Kip Berentson and at least two other former soldiers who served in the 84th, Muhammad had thrown a grenade into a tent that housed sixteen soldiers. However, the Army's Criminal Investigation Division did not file an indictment—a fact that seemed inexplicable to Berentson—nor does the inquiry appear in Muhammad's Army records.<sup>44</sup>

While several possible motives for the shootings emerged during the investigation, including a revenge plot against Muhammad's ex-wife,

Malvo's testimony suggests political/religious motives that fit the definition of terrorism. Malvo explained that the shootings were part of a grandiose plan to undermine the U.S. government: Muhammad said they would kill six people a day for thirty days, an attack tempo that was foiled by an inability to achieve clear shots and getaways.<sup>45</sup> The next phase of this ambitious plan involved targeting civilians and students in Baltimore, as well as a Baltimore police officer, then detonating improvised explosive devices to kill other officers at the funeral.<sup>46</sup>

Muhammad wanted to leverage these killings to extort money from the U.S. government, then finance the recruiting, indoctrination, and training of militant youth in Canada.<sup>47</sup> Muhammad hoped to teach these boys, as he had taught Malvo, about shooting and evasion so that the Beltway shootings could be repeated throughout the United States.

## **Massed Attacks and Frontal Assaults**

Terrorists can also use firearms to raid fixed targets. Massed attacks and frontal assaults employing small arms are by no means a new tool of warfare for violent non-state actors: on January 31, 1968, conventional North Vietnamese forces and the Viet Cong launched the Tet Offensive, an assault across South Vietnam. One heavily publicized element of the offensive was insurgent attacks in Saigon, specifically on the U.S. embassy.

At 2:30 a.m., twenty Viet Cong sappers armed with automatic weapons, rocket-propelled grenades, and satchel charges cleared the embassy's checkpoints, breached its walls with explosives, and killed four Marine security guards within minutes. The ensuing firefight lasted over six hours; the initial Marine response was underequipped to meet the threat, as it was armed

only with .38 revolvers and some 9mm submachine guns.<sup>48</sup> In an interrogation following their capture, the three surviving attackers revealed that their objective was to hold the embassy for thirty-six hours, despite its military insignificance. This provides a potent example of how an assault on a high-profile target can achieve an outsized political effect even if the attack fails tactically. As Robert O'Brien wrote in a thesis for U.S. Army Command and General Staff College:

The Tet Offensive of 1968 had dramatic repercussions politically and in the court of public opinion. The media centered their focus on the occurrence of the American Embassy battle because they had ready access to the buildings, not because of the military importance of the battle. Media reports inflamed the already shifting American public and world opinion. The strained relationship between military command and reporters resulted in skewed journalism and less-than-honest press releases by the government. The media reports of the embassy battle bombarded the public with images that helped to destroy the credibility of the information reported by government officials, resulting in genuine public outrage. This was perhaps the most decisive point in the Vietnam conflict.<sup>49</sup>

Violent non-state actors continue to employ such tactics today. Lashkar-e-Taiba (LeT) is a designated terrorist organization that has prominently used raiding attacks in its campaign against India's presence in the disputed Kashmir region. This style of attack, often referred to as *fedayeen* attacks, can be thought of as suicide

missions, in the sense that few to no attackers are likely to survive. However, they are distinct from how suicide attacks are conceptualized in the academic literature, where they are considered "attacks whose success is contingent upon the death of the perpetrator."<sup>50</sup> A *fedayeen* attack does not require the attackers to die in order to succeed, the way a suicide bombing does. Instead, the attackers in such a scenario strike at Indian military and government facilities armed with automatic weapons and grenades, seeking to kill as many adversaries as possible with no intention of escape. LeT launched dozens of these attacks in the Indian sector of Jammu and Kashmir between 1999 and 2002, killing 161 military and law enforcement personnel, at the cost of the lives of 90 LeT members.<sup>51</sup>

Using tactics similar to the Viet Cong, LeT mounted attacks on targets deep within Indian territory. LeT launched its first attack of this type at the historic Red Fort in Delhi on December 22, 2000. Two LeT members armed with assault rifles stormed the facility, killing three guards. On December 13, 2001, members of LeT (though the organization denied a role in this) and Jaish-e-Mohammed conducted an even higher profile attack on the Indian parliament. The five attackers rode in a car that rammed into another vehicle in the parliament's parking lot. They immediately jumped out and began a firefight with security guards and police. The attackers were armed with assault rifles, and one had a suicide vest that exploded during the fight. All five attackers were killed, along with five police officers, a guard, and a gardener.<sup>52</sup> Though no Indian politicians were harmed, the attack triggered a diplomatic crisis, prompting large troop mobilizations by both India and Pakistan—at a time when Pakistani troops were supposed to be intercepting senior al Qaeda and Taliban leaders who were fleeing across the border from Afghanistan following the famous

siege at Tora Bora. Thus, like the U.S. embassy attack in Saigon during the Tet Offensive, the Indian parliament attack was a tactical failure, but had a potent political effect.

Another major massed attack by Pakistani jihadi groups occurred on October 10, 2009, when ten gunmen with assault weapons and grenades stormed the General Headquarters of the Pakistan Army, killing guards and Pakistani officers in the process. The attack was later claimed by the Tehrik-i-Taliban Pakistan (TTP) and Lashkar-e-Jhangvi (LeJ). After taking forty-two hostages, they prepared for siege warfare, and demanded the release of militant Islamist prisoners.<sup>53</sup> Pakistan responded by deploying its elite SSG Division, a special operations unit, to clear the buildings. All but one of the gunmen were killed. The attack resulted in twelve Army deaths, including six in the initial phase of the attack, and two civilian hostage deaths. Hostage casualties would have been higher had two attackers not failed to fully detonate their suicide vests.

Some “homegrown” jihadi groups have plotted massed attacks against fixed military targets in the United States. In 2007, six men residing in New Jersey were charged with a conspiracy to launch an assault on Fort Dix. Members of the group had conducted surveillance of the base starting in the summer of 2006, and legally acquired firearms in early 2007 to train for an attack. They also tried, unsuccessfully, to obtain such military-grade weapons as fully automatic rifles.<sup>54</sup> During preparation, one plotter stated that their objective was to attack soldiers on the base, destroy several vehicles, and retreat “without any losses.”<sup>55</sup> Further, a superseding indictment against North Carolina-based homegrown jihadi Daniel Patrick Boyd notes that he had discussed potential targets in the United States with a co-conspirator, and had “conducted ‘reconnaissance’ at the Marine

Corps Base, Quantico, Virginia.”<sup>56</sup> The indictment also charges that Boyd possessed a weapon that he intended to use in an attack on Quantico, stating that it was “for the base,” as well as ammunition that he said would be used “to attack the Americans.”<sup>57</sup> The FBI foiled both plots, neither of which advanced beyond the surveillance phase. However, these incidents demonstrate that domestic terrorists have an interest in such tactics.

In massed attacks with small arms, attackers can respond to security dynamically, and adjust the attack while it is in progress. Firearms can further allow attackers to suppress security in order to breach multiple layers of defense.

## Complex Urban Warfare Attacks

On November 26, 2008, two inflatable boats landed on the southern coast of Mumbai. They hailed from an Indian fishing trawler that had been hijacked, and its crew murdered. Ten men disembarked from the boats and separated into four teams, one of four men and three of two men. Each attacker wielded a Chinese-made AK-47 derivative, fully automatic, with roughly 210 rounds of ammunition. For side arms, they carried 9mm pistols; each attacker also had eight to ten grenades and RDX-based IEDs. They also used MP-5 submachine guns during the course of the attack, but these may have been taken from Indian officers rather than brought from the boats.<sup>58</sup> The four-man team assaulted the Leopold Café and Taj Mahal Hotel, while the two-man teams attacked the Victoria rail station, the Trident-Oberoi Hotel, and Nariman (Chabad) House.

The four-man team attacking Leopold Café and the Taj Mahal Hotel attacked the café first, and then the hotel lobby. They fired through the windows of the café and threw grenades, though witnesses only report half of the team participating in this phase.<sup>59</sup> The full four-man team stormed

the hotel lobby, firing indiscriminately, and took hostages to precipitate a siege situation. Specialized Indian counterterrorism teams couldn't end the standoff for more than sixty hours.

At Victoria Station, the two attackers opened fire on the large evening crowd, easily overwhelming the security forces on hand. The forces defending Victoria Station had largely antiquated weapons: at one point, CCTV footage shows an Indian police officer with a bolt-action rifle trying to return fire against the assault rifle-wielding terrorists. After about ninety minutes, additional law enforcement arrived with superior manpower to overwhelm the two-man team. The terrorists retreated through a hospital courtyard, where they spied a police van driving toward the station. They ambushed it, and killed six Indian officers—including executives of high value to Mumbai's counterterrorism capabilities. Seizing the van also gave the terrorists a vehicle for drive-by shootings. After a firefight with police, one terrorist died and the other was captured. These two men were "responsible for a third of the fatalities" during the Mumbai attacks.<sup>60</sup> The terrorist who was captured after the Victoria Station shootings was the only attacker to survive.

The two-man team at the Trident-Oberoi Hotel detonated an IED and fired on hotel guests, then took control of the building. They called for the release of Muslim fighters from Indian prisons. This siege ended roughly seventeen hours later, with both attackers dead.

The team assigned to the Chabad House stormed the building and took hostages, some of whom they murdered. Cell phone traffic reveals that they intended to kill Israeli hostages to set back Indian relations with Israel.<sup>61</sup> Security forces later stormed the building.

The Mumbai attackers' objective wasn't simply to cause as much damage as possible. They specifically targeted Western tourists, Jews, and Indian law enforcement, a target selection that was designed to maximize the psychological impact of the attacks. Experts attribute the attack to LeT, though it was far more complex than the *fedayeen* tactics discussed previously.

The Mumbai attacks killed 164, not including the attackers, and injured hundreds. The teams employed a range of tactics, including *fedayeen*-style assaults, spree killings against soft targets, ambushes, and siege warfare after taking hostages. The teams operated independently to reduce the ability of Mumbai police to concentrate around the teams and eliminate them quickly. Using cell phones with interchangeable SIM cards, and even some phones from hostages, the teams coordinated but were not reliant on one another. The length of the combat might have been a product of stimulant drug use, as well as the disciplined training the terrorists underwent.

Small arms were the critical tactical tool. Though the terrorists left IEDs in taxicabs that they took to their targets, these were primarily designed to sow confusion. As with Anders Breivik's attack in Norway, what the terrorists accomplished with firearms, rather than their relatively small explosives, was far more lethal.

The success of the Mumbai attacks was not lost on al Qaeda. In the fall of 2010, the combined law enforcement, intelligence, and security services of the U.S., Britain, France, and Germany foiled multiple Mumbai-style attacks in Europe.<sup>62</sup> Intelligence sources revealed that Osama bin Laden had personally issued an order for the plan. The would-be attackers had trained for combat in the Pakistan-Afghanistan border area, and had ties to the same German mosque that 9/11 terror cell members had frequented.

If massed attacks aim to achieve success through concentration on a fixed target, then complex urban warfare attacks act through a concentration in time, simultaneously conducting multiple attacks to overwhelm the resources and attention of responding forces. Law enforcement, even if tactically competent, will be challenged by the need to handle multiple simultaneous engagements with an enemy force.

## Hostage Taking

We now turn to a tactic that can be used offensively (such as in a siege situation), but has also been employed by terrorist groups simply to make money for their cause. Hostage taking has been prominently used by terrorists in the past, and continues today.

The most prominent case of a terrorist group using such methods in North America is the *Front de libération du Québec* (FLQ) in its fight for Quebecois independence from Canada, with two closely timed kidnappings that came to be known as the October Crisis. On October 5, 1970, two armed FLQ members, disguised as deliverymen, kidnapped James Richard Cross, the British trade commissioner. They demanded the release of FLQ prisoners, safe passage to Algeria or Cuba, the reinstatement of Francophone postal drivers who had previously been laid off, half a million dollars in gold, and the name of an informant who had penetrated another FLQ cell.<sup>63</sup> They simplified their demands during negotiations, and Ronald Crelinsten, a distinguished Canadian scholar, notes that “the kidnapping of Cross may have ended with a negotiated agreement to let the kidnappers go into exile in exchange for their hostage” had another FLQ cell not decided to kidnap another political figure.<sup>64</sup>

This second cell, acting completely independently, took Pierre Laporte, deputy premier and minister

of employment and immigration in the Quebec Liberal Government, as a hostage on October 10. The Laporte kidnapping led to fears of a much wider civil crisis in Quebec. As a result, Canada invoked the War Measures Act, and suspended habeas corpus.<sup>65</sup> Crelinsten notes that on October 16, Laporte “tried to escape by throwing himself through a window, and was seriously injured in the process. Police found his body the next day, stuffed in the trunk of the car that was used in his kidnapping a week before.”<sup>66</sup> On December 3, James Cross was released, in exchange for the FLQ kidnappers’ safe passage to Cuba. They later returned to Quebec and received light jail terms.

The Red Brigades (*Brigate Rosse* or BR), a revolutionary Marxist-Leninist group based in Italy, also used kidnapping to precipitate a political crisis. In 1978, the BR kidnapped former Prime Minister Aldo Moro. Moro was at the heart of complex negotiations between the Christian Democrats and the Italian Communist Party (PCI), which was moderating its political stance. The BR reasoned that sabotaging the negotiations, would harm the insufficiently revolutionary PCI, and would raise BR’s status in the Italian revolutionary left.

On March 16, the BR struck in Rome. Moro was traveling in a car with two bodyguards, and three additional guards rode in a trailing vehicle. The BR cut in front of Moro’s vehicle with one car, then trapped it from behind with a second car. Four BR fighters emerged from bushes with machine pistols, killing all five bodyguards with dozens of rounds. Moro’s driver died with his hands on the wheel, while the bodyguard beside him died with his pistol still holstered. Only one bodyguard managed to return fire before succumbing to the hail of automatic gunfire.<sup>67</sup> The kidnappers had cut phone lines for blocks around the ambush point, and blocked off alleyways and

streets to ensure a speedy escape. Moro was never found alive. After weeks of negotiations, BR members shot Moro with a Skorpion 7.65mm machine pistol, a Czech weapon.<sup>68</sup> Moro's body was found in the back of a car on a central Rome side street.

It was not the last high-profile kidnapping the BR would conduct. On December 17, 1981, armed members disguised as plumbers abducted Brigadier General James L. Dozier from his Verona apartment. Dozier was the deputy Chief of Staff for NATO's Southern Command, and was the first—and so far, only—American flag officer to be kidnapped by terrorists. After about a month, an Italian police special tactics unit freed Dozier.

Contemporary terrorist groups have taken hostages both to advance their political objectives (intimidating aid workers and other foreigners in places like Afghanistan, Iraq, and Pakistan) and also to make money. Al Qaeda in the Islamic Maghreb, the jihadi group's North African affiliate, has in particular been known for employing this tactic for financial gain.

## Robbery

The overwhelming majority of armed robberies are not politically motivated, but terrorist groups have occasionally engaged in this tactic. One notable American example was The Order, the aforementioned militant white separatist group founded by Robert Jay Mathews. Mathews intended to become “the Robin Hood of the radical right,” envisioning The Order as a group that would “rob from the Jews and give to the Aryans.”<sup>69</sup> The Order's fictional namesake, a group that appeared in William Pierce's racist novel *The Turner Diaries*, evolved from small-scale terrorism to seizing control of military bases, creating a white homeland, and precipitating a global race war. While Mathews's stated aims were

less ambitious, his group still needed a way to finance itself. One method the Order took up was counterfeiting; another was robbery.

After robbing a sex shop in Spokane, Washington, which netted a mere \$369.10, the group moved on to robberies of local banks and restaurants. It found its greatest success in robbing armored cars. In March 1984, members of The Order robbed an armored car driver in Seattle as he transferred cash into a store, pulling in \$43,345 from the heist.<sup>70</sup> They also robbed an armored car during a money transfer at the J.K. Gill office supply store in Seattle, where the same driver they had robbed previously was unlucky enough to be on duty. Their arsenal expanded, and they began to pull in more money through their robberies.<sup>71</sup>

Following the assassination of Alan Berg, members of The Order executed their most successful robbery, netting \$3.8 million from a Brink's armored car in northern California. With a rifle powerful enough to pierce the vehicle's windshield, they robbed the truck in the middle of the highway. The Order's plans to convert these winnings into bombings in major American cities never came to fruition. Portland's SWAT team and the local FBI Hostage Rescue Team traced these robberies and counterfeiting activities to the source; Mathews died when illumination flares aimed to smoke him out of the house where he was holed up ignited, and he refused to leave.

The FLQ also used robberies to raise money that they invested in arms and explosives for further attacks. They robbed gun stores and even Canadian military armories. This helped FLQ to amass significant stocks of ammunition, rifles, submachine guns, and explosive charges.<sup>72</sup> Thus, firearms allow extremist groups not just to conduct terrorist attacks, but also a full range of criminal activities.

## Siege Warfare

The sustained defense of fixed positions is another tactical ability that small arms provide. Probably the most dramatic instance of a terrorist siege is the 1979 siege of Mecca, undertaken by a radical group with messianic beliefs that was centered on the leadership of Juhayman al Otaibi. Otaibi's Saudi Arabian National Guard ties allowed his group to acquire large quantities of firearms, ammunition, gas masks, and other equipment.<sup>73</sup>

Through a combination of bribery, persuasion, and responsible parties' neglect, Otaibi managed to avoid Saudi Arabia's secret police, and gained access to the Saudi Binladin Group's construction compounds near Mecca's Grand Mosque. On November 20, hundreds of Otaibi's followers carried weapons into the mosque in caskets, seized control of the site, and then sealed the gates. Many hostages were released after pledging their loyalty to Mohammed Abdullah Qahtani, the man Otaibi believed to be the *mahdi*. A single Meccan police jeep responded to the incident and was shot up by snipers in the Grand Mosque's minarets.

Saudi Arabia then sent a convoy of police vehicles to the mosque, but again Otaibi's followers repelled this assault. Many of the defenders had FN FAL rifles, capable of lethal fire up to 600 meters away. Saudi police were mowed down in lethal interlocking fields of fire.

Forces from the Saudi interior ministry, the Saudi National Guard, and the regular Army then mobilized. Attempts to bolster this ground assault from the air failed when helicopter pilots reported taking .50 caliber machinegun fire. The Kingdom brought in artillery support, but the ground assault force was too small in number, and sustained heavy casualties.<sup>74</sup> A later attempt by ground forces breached one of the Grand Mosque's gates with explosives—but when the

forces entered, they were caught in an ambush, and had to withdraw.

By Friday, November 23, Saudi forces were prepared for a full assault. Employing wire-guided anti-tank TOW missiles against the minarets, these forces eliminated the sniper positions. M-113 Armored Personnel Carriers with heavy machine guns then advanced on the mosque. Otaibi's men disabled one of the lead APCs by shoving carpets into its treads and throwing Molotov cocktails inside.<sup>75</sup> But after another assault, Saudi APCs managed to make it to the plaza surrounding the Kaaba, Islam's holiest site.

Otaibi's men retreated into the catacombs beneath the Grand Mosque. Saudi forces smothered the tunnels with tear gas, but their plan backfired when the beards favored by Saudi soldiers prevented their gas masks from being properly sealed, leaving them just as incapacitated as their targets.<sup>76</sup> French officials offered the assistance of their special forces to train Saudi troops for the final assault on the catacombs, which would include the more potent—and potentially lethal—CB gas. After clearing the catacombs, capturing Otaibi, and finding the dead body of Qahtani (the supposed *mahdi*), Saudi forces finally broke the siege on December 3. The casualty count remains unclear, but at least 127 members of the Saudi forces died, with approximately 450 wounded. At least 117 of Otaibi's men died, though some observers believe the body count is higher—perhaps up to a thousand.<sup>77</sup>

The siege at Mecca demonstrates the power that a well-defended position, manned with competent marksmen, can inflict on a potential response. And there have also been more recent sieges in Saudi Arabia. In September 2005, a group of militants under investigation by Saudi security services barricaded themselves in a villa in the seaport of Al Dammam. The nearly two-day

standoff “ended only when security forces brought in light artillery.”<sup>78</sup> There were only five men in the villa, but they had dozens of grenades, explosives, handguns, assault rifles, and rocket propelled grenades.

Siege warfare can play a role in a variety of terrorist operations. For example, sieges can be the terminal sequence of a complex operation, which was the case in the Mumbai attacks. In fact, when plots that are in progress—such as kidnappings and robberies—are intercepted by authorities, terrorists’ adaptations often result in siege situations. Siege warfare is also an important consideration for counterterrorist forces seeking to raid known terrorist strongholds, as was the case in Al Damman. Properly armed and prepared, terrorists can turn an attempted apprehension into a drawn-out, deadly fight.

American law enforcement’s experience with sieges—though not within the context of terrorist groups—demonstrates the power of the tactic. The famous 1993 siege at the Branch Davidian compound in Waco, Texas, sheds light on the tactical vulnerabilities a terrorist group can exploit. David Koresh’s followers had stockpiled weapons, including semi-automatic rifle components that the Bureau of Alcohol, Tobacco and Firearms (ATF) believed could be illegally converted into fully-automatic weapons. On February 28, 1993, the ATF attempted to execute a search warrant of the Branch Davidian property with a raid that devolved into a firefight. Both sides claim the other fired first, and when the dust settled after the first day, four ATF agents and six Branch Davidians had been killed.

On April 19, the FBI bombarded the building with CS gas grenades and used Combat Engineering Vehicles to breach the walls of the compound and insert additional gas, all while taking fire from the compound. Several fires

erupted in different parts of the building. FBI surveillance recordings indicate that Branch Davidian members deliberately set the fires, but the assault remains controversial because at least eighty inside the compound died.<sup>79</sup>

In addition to demonstrating tactical vulnerabilities that domestic terrorist groups could exploit, the Waco Siege and a smaller-scale incident at Ruby Ridge, Idaho, resonate strongly with some elements of the extreme American right. The Waco siege in fact represented a decisive moment in Timothy McVeigh’s decision to launch domestic attacks. In McVeigh’s words: “Everything that Waco implies was on the forefront of my thoughts. That sort of guided my path for the next couple of years.”<sup>80</sup> He went on to launch the Oklahoma City bombing, the deadliest terrorist attack on American soil prior to 9/11. Demonstrating the symbolic importance of the Branch Davidian siege, McVeigh executed his attack on April 19, 1995, the second anniversary of the FBI’s assault on the compound.

## Conclusion

This study has examined various scenarios in which terrorists can employ small arms. It thus illuminates the vulnerabilities that small arms can exploit, and shows why they appeal to terrorist organizations even in an age of many alternatives. The previously discussed typologies often overlap—as shown, for example, by the Mumbai attacks that included siege warfare, massed attacks, hostage takings, and spree killings. Firearms can also repel law enforcement’s response. Indeed, with firearms attackers have great flexibility. Once an attack has begun, they can select new targets and counter law enforcement.

No specific category of firearm is uniquely suited to terrorists. The weapons in this study have ranged from legally-bought, widely-available

handguns with common calibers and standard ammunition to submachine and military-grade automatic rifles purchased on the black market, with many gradations in between. In preparation for attacks, shooters can legally hone their marksmanship at civilian ranges. A legally-purchased firearm is almost guaranteed to have lethal potential, while a self-made bomb might not go off at all, or may even kill or maim its maker in the process of being built.

Over the past ten years, homegrown terrorists seeking to use explosives have had infamous technical failures. These range from Faisal Shazad's car bomb on Times Square, in which he used the wrong kind of fertilizer and only succeeded in damaging the van, to "underpants bomber" Umar Farouk Abdulmutallab, who only succeeded in blowing up his own crotch. On the other hand, the 2009 Little Rock shootings and the Fort Hood massacre show that with less effort, firearms allowed independently-operating terrorists to execute lethal attacks.

We now turn to H.R. 1506, and examine how it intersects with the problem set examined in this study. Sound legislation will need to balance legitimate Second Amendment rights enshrined in the U.S. Constitution with the desire to enhance public safety.

*Narrow tailoring.* Due to legitimate constitutional concerns, legislation that seeks to suppress terrorists' ability to purchase firearms should be narrowly tailored, clearly articulating the conditions under which sales can be blocked. (*Narrow tailoring* as a legal concept is utilized in the context of First Amendment, but we believe that as a policy matter the same principles should apply in the context of the Second Amendment, which also represents a legitimate set of constitutional rights.) The legislation does not appear sufficiently narrowly tailored at present: It

allows the attorney general to deny the transfer or purchase of a firearm if "the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof, and the Attorney General has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism."<sup>81</sup> The language "engaged in conduct ... related to terrorism" is extraordinarily far-reaching. Can it not be said, after all, that many FBI agents, Washington think tankers, and even congressional representatives have engaged in "conduct related to terrorism"?

Of course, the language "*and the Attorney General has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism*" provides another check on the attorney general's discretion to block firearms sales aside from the language critiqued above. This is true because the phrases are *conjunctive* (in other words, both portions must be satisfied for a gun sale to be blocked) rather than *disjunctive*. From a legal perspective, this second phrase requiring a reasonable belief that the firearm may be used in connection with terrorism would likely be sufficient to stave off a constitutional challenge: since the requirements in both phrases must be satisfied, courts would likely see the narrowly tailored language about how the firearm may be used as curing the overly broad first provision. Nonetheless, from a policy perspective, lawmakers should narrowly tailor both components delineating when firearms sales may be blocked for two reasons. First, it is not clear how courts will interpret the language requiring that the Attorney General should have "a reasonable belief that the prospective transferee may use a firearm in connection with terrorism." It is possible that courts will find this requirement satisfied simply on the basis of the prospective transferee's

connections to terrorism—in which case, in order to be protective of Second Amendment rights, the component dealing with the individual should be better delineated. A second reason deals with the political climate surrounding the curtailment of firearms sales in the United States. H.R. 1506 will doubtless be controversial even if narrowly worded—but narrowly tailored language is less likely to create a firestorm of opposition.

One possible way to tailor the legislation is to ensure that individuals to whom gun sales can be denied are on a terrorist watch list. In that case, however, the legislation should specify which watch lists provide the Attorney General with this authority. There are multiple lists, including the no-fly list, the Terrorist Screening Database, and a separate list employed by U.S. Customs and Border Protection, all with different evidentiary standards for inclusion. A second option for making this language more narrowly tailored is treating “*conduct ... related to terrorism*” as a term of art, and defining it in a way that is not overly broad. Currently H.R. 1506 provides specific definitions for the terms *terrorism*, *material support*, and *responsible person*. It could also do so for *conduct ... related to terrorism*, defining it in a manner that is not as expansive as the language appears to be on its face.

*Second Amendment litigation.* Second Amendment rights are important, as is any right enshrined in the Constitution, but the right to bear arms is not considered absolute under U.S. law. Federal law currently makes it illegal for an individual “to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce” if that individual falls into one of several categories. These categories include an individual who:

- was convicted in any court of a crime punishable by more than year’s imprisonment;
- is a fugitive from justice;
- is an unlawful user of controlled substances;
- was judged mentally defective, or committed to a mental institution;
- is an illegal alien, or was admitted under a nonimmigrant visa (though there are narrow exceptions to the latter);
- was dishonorably discharged from the armed forces;
- renounced his citizenship;
- is subject to a court restraining him “from harassing, stalking, or threatening an intimate partner,” and that finds him a credible threat to that partner’s safety;
- was convicted of a misdemeanor crime of domestic violence.<sup>82</sup>

In effect, H.R. 1506 extends these pre-existing restrictions on who can purchase firearms to cover a new class of persons: to transferees who are “known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support thereof,” and where “the Attorney General has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.” Assuming the statutory language is not problematic, it doesn’t at all defy logic for these restrictions to individuals’ ability to purchase firearms to be extended to those who pose a significant terrorist risk. Nonetheless, extending the restrictions in this manner is categorically different than what already

exists: rather being based upon past conduct that was the subject of a court order or administrative hearing, the restriction in H.R. 1506 will be invoked for conduct that has not resulted in an adverse judgment in a forum in which the prospective transferee could make an appearance. Especially given the expansive and frequently imprecise nature of the various government watch lists, this fact will make some observers concerned about possible infringements on legitimate Second Amendment rights.

There are two checks in the legislation designed to prevent such infringements. The first is the fact that the legislation doesn't automatically prohibit the individuals in question from purchasing firearms, but instead gives the attorney general discretion to block the transfer or sale of guns to them. However, the extent to which this assuages Second Amendment concerns depends on how frequently the attorney general will invoke the legislation. If it is infrequently used, that creates fewer concerns than if, for example, the attorney general attempts to block sales to everyone in the Terrorist Screening Database. The latter would obviously be problematic, given that database's breadth and imprecision.

But even if the legislation is invoked infrequently initially, it isn't difficult to foresee a situation where this power suddenly starts to be invoked far more frequently. For example, if an individual who carries out a deadly shooting was suspected of terrorist connections beforehand, and kills people with a legally-purchased gun, there may be a political backlash. In response, the attorney general may more often invoke his or her power to block the sale of firearms, thus presenting a concern about the infringement of Second Amendment rights.

The legislation's second check is more robust: it provides for judicial review in a U.S. district court,

where anyone who is blocked from purchasing a gun under this legislation may challenge that determination within sixty days of receiving notice of it. In the case of a challenge, the court will sustain the attorney general's decision based on a preponderance-of-evidence standard. When information that the attorney general relied upon would likely compromise national security if disclosed, the legislation allows the attorney general to submit summaries or redacted versions of the documents in question. (However, at the petitioner's request, or on the court's own motion, the court can review the full documents *ex parte* and *in camera*.) This is a robust process, giving the government a strong chance of beating the inevitable challenge to the legislation on constitutional grounds.

*Will the legislation save lives?* Looking at the incidents that comprise this study, it's not clear that H.R. 1506 could have saved lives in any of them. In the Little Rock shooting case, Abdulhakim Mujahid Muhammad had been under investigation by the FBI's Joint Terrorism Task Force due to his "travel to Yemen and his arrest there for using a Somali passport."<sup>83</sup> He also legally purchased a firearm while under investigation. Though these facts may give rise to hopes that H.R. 1506 could have prevented this shooting, there is a problem: Muhammad had purchased the weapons used in the shooting *before* he radicalized, let alone before he was under any kind of investigation. Though Muhammad purchased a .22 caliber rifle from a Walmart, he didn't so in order to execute his shooting; rather, he thought the gun purchase could help him discover whether he was being watched.<sup>84</sup> Because that purchase was unnecessary for the later shooting, blocking the gun sale likely wouldn't have saved lives, unless Muhammad were deterred from executing the shooting due to fears that he was under surveillance.

Nidal Hasan's name had also come up in an investigation: JTTF investigators flagged him for his correspondence with extremist preacher Anwar al Awlaki.<sup>85</sup> However, it's highly unlikely that Hasan would have been denied the ability to purchase the firearms he later used in the Fort Hood shooting based on this. After all, he remained a member in good standing of the U.S. armed forces despite coming up in the investigation, and it seems implausible that an individual would simultaneously be allowed to serve in the military and be barred from purchasing a firearm.

In the other U.S. based-cases, the legislation would similarly be unlikely to prevent violence. Despite John Muhammad's grenade attack on fellow soldiers during the first Gulf War, he was never court-martialed for the incident, and it was expunged from his military records. Thus, there was no reason he would have been seen as a terrorism suspect. Further, he did not legally purchase the gun that was used in that string of killings. In Aimal Kasi's case, media reports provide no indication that there were red flags prior to his shooting that indicated a propensity for terrorist violence.

Of course, the fact that H.R. 1506 is unlikely to have saved lives in past domestic terrorism cases is not a perfect predictor of the future: cases may arise where the legislation can, and does, save lives. However, using the past as a guide, the security benefits of the legislation should not be oversold.

*Future areas of research.* Regulating the sales of firearms through normal gun-store purchases only covers part of the market for firearms in the United States. In addition to commercial sales of firearms, there are also private sales which would not be covered by the normal background check requirements that H.R. 1506 would affect. These

can include sales made between individuals at gun shows or online.

Even private firearms sellers have a legal obligation not to knowingly sell firearms to somebody who would fail to pass a background check. However, a recent New York police sting operation at gun shows found that, in cases where the buyer claimed an inability to pass a background check, 63% of private sellers went through with the transaction regardless of their legal obligation to decline.<sup>86</sup> Certainly, the existence of these markets allows for circumvention of more stringent background checks. H.R. 1506 does not cover this area of gun sales, but it is possible that other legislation could extend background check requirements to private sellers. Though the effect of such legislation is outside the scope of this study, future researchers may wish to consider whether it would yield national security or other benefits.

The bottom line is that small arms have often been used by terrorists in the past, and they will be used by terrorists in the future. This is a real problem that it is right for legislators to consider, but legislative solutions will not be simple. With or without legislation, competent law enforcement and sound intelligence will remain critical to addressing this problem.

<sup>1</sup> Rep. King's letter is reprinted in this volume.

<sup>2</sup> For discussion of al Qaeda's evolving strategy, see Daveed Gartenstein-Ross, *Bin Laden's Legacy: Why We're Still Losing the War on Terror* (Washington, DC: John Wiley & Sons, 2011).

<sup>3</sup> Open Source Center, "German Security Finds Evidence al Qaeda Planning to Fight 'War of Attrition,'" translation of article in *Der Tagesspiegel Online*, Jan. 23, 2012.

<sup>4</sup> Jihadis are well aware that phantom threats can be advantageous in this way. See "Threat Message on Jihadist Forum Names U.S., International Targets," Open Source Center summary in Arabic, Dec. 31, 2009.

<sup>5</sup> "What Are You Waiting For? U.S. Born al Qaeda Spokesman Calls on Americans to 'Buy Guns and Start Shooting People,'" *Daily Mail* (London), June 4, 2011.

<sup>6</sup> Norman Cigar ed., *Al Qaeda's Doctrine for Insurgency: Abd al Aziz al Muqrin's A Practical Course for Guerrilla War* (Washington, DC: Potomac Books, 2009).

<sup>7</sup> This definition comes from Owen Greene & Nicholas Marsh, "Introduction," in Owen Greene & Nicholas Marsh eds., *Small Arms, Crime and Conflict: Global Governance and the Threat of Armed Violence* (London and New York: Routledge, 2012), p. 2. In turn, Greene and Marsh's definition is indebted to United Nations, *Report of the Panel of Governmental Experts on Small Arms* (New York: United Nations, 1997).

<sup>8</sup> Bruce Hoffman, *Inside Terrorism* 2d ed. (New York: Columbia University Press, 2006), p. 41.

<sup>9</sup> This account is indebted to H. Wayne Morgan, *William McKinley and His America* (Kent, OH: Kent State University Press, 2004).

<sup>10</sup> Robert Fein & Brian Vossekuil, "Assassination in the United States: An Operational Study," *Journal of Forensic Sciences* 44:2 (Mar. 1999).

<sup>11</sup> Gerald Posner, *Killing the Dream: James Earl Ray and the Assassination of Martin Luther King, Jr.* (New York: Harcourt & Brace, 1999) p. 194.

<sup>12</sup> *Ibid.*, p. 223.

<sup>13</sup> Thomas F. Kranz, *Report from the Special Counsel to the Los Angeles County District Attorney's Office, Part I* (Mar. 1977), pp. 4-24.

<sup>14</sup> See cross-examination of Sirhan Sirhan in *People v. Sirhan*, Superior Court of Los Angeles County (1969, trial transcript vol. 18), p. 5244.

<sup>15</sup> "Armenian Held in Coast Slaying of Turks," UPI, Jan. 28, 1973; "Armenian Guilty of Killing Turks," *New York Times*, July 2, 1973.

<sup>16</sup> *People v. Sassounian*, 182 CA3d 361 (Calif. Ct. of Appeals, 1986).

<sup>17</sup> *Ibid.*

<sup>18</sup> Howard Pankratz, "Neo-Nazi Gunman in Alan Berg's Murder Dies in Prison," *Denver Post*, Aug. 17, 2010.

<sup>19</sup> Kevin Flynn & Gary Gerhardt, *The Silent Brotherhood* (New York: The Free Press, 1989), pp. 163-64.

<sup>20</sup> John T. McQuiston, "Kahane is Killed after Giving Talk in New York," *New York Times*, Nov. 6, 1990.

<sup>21</sup> *United States v. Rahman*, 189 F.3d 88 (2d Cir. 1999).

<sup>22</sup> Selwyn Raab, "Jury Selection Seen as Crucial to Verdict," *New York Times*, Dec. 23, 1991.

<sup>23</sup> Eleanor Hill, Hearing on the Intelligence Community's Response to Past Terrorist Attacks against the United States from February 1993 to September 2001, Joint Inquiry Staff statement, Oct. 8, 2002.

<sup>24</sup> Criminal complaint, *United States v. Loughner* (D. Ariz., Jan. 9, 2011), pp. 4-5.

<sup>25</sup> Quoted in *Kasi v. Angelone*, 300 F.3d 487, 491 (4th Cir. 2002).

<sup>26</sup> *Ibid.*

<sup>27</sup> Federal Bureau of Investigation, *Terrorism 2002-2005* (Washington, DC: Federal Bureau of Investigation, n.d.), p. 32.

<sup>28</sup> Letter from Abdulhakim Mujahid Muhammad to Judge Herbert T. Wright, Jr., Jan. 12, 2010.

<sup>29</sup> The U.S. has seen deadlier shooting sprees than Fort Hood. For example, 32 people were killed and 17 wounded in Seung-Hui Cho's April 2007 shooting on the campus of Virginia Polytechnic Institute and State University in Blacksburg, Virginia. Indeed, Killeen, Texas itself saw a deadlier shooting attack: in October 1991, George Hennard killed 23 people and injured 27 at Luby's Cafeteria in Killeen. However, Nidal Hasan's attack at Fort Hood constitutes the deadliest shooting spree attack in U.S. history that satisfies the definition of terrorism that this study employs.

<sup>30</sup> Brian Ross, "Major Hasan's E-Mail: 'I Can't Wait to Join You' in Afterlife," ABC News, Nov. 19, 2009.

<sup>31</sup> Adam Gadahn, "A Call to Arms," Mar. 7, 2010, p. 2.

<sup>32</sup> Andrew Berwick [Anders Breivik], *A European Declaration of Independence* (2011).

<sup>33</sup> "Who is the Suspect in the Norway Attacks?," CNN, July 24, 2011.

<sup>34</sup> "Shootings in Toulouse and Montauban: What We Know," BBC, Mar. 22, 2012.

<sup>35</sup> Fiona Govan, "Toulouse Shooting: Heartbreaking Detail of Attack that shocked France and Israel," *Telegraph* (U.K.), Mar. 20, 2012.

<sup>36</sup> Peter Allen, "Al Qaeda Fanatic is Dead," *Daily Mail* (U.K.), Mar. 21, 2012.

<sup>37</sup> Tracy McNicoll, "Mohamed Merah Dies in French Standoff's Gory End," *Daily Beast*, Mar. 22, 2012.

<sup>38</sup> Andrew Osborn, "French Gunman's Arsenal Spotlights Illegal Arms Trade," Reuters, Mar. 23, 2012.

<sup>39</sup> *Muhammad v. Maryland*, No. 0986 (Md. Court of Special Appeals, Nov. 5, 2007), p. 27.

<sup>40</sup> *Muhammad v. Virginia*, 611 S.E.2d 537 (Va. 2005).

<sup>41</sup> Complaint, *Johnson v. Bull's Eye Shooter Supply*, No. 03-2-0392-8, (Superior Court of Wash., Pierce County, 2003), p. 2.

<sup>42</sup> *Muhammad v. Maryland*, p. 1.

<sup>43</sup> Alex Tizon, "John Muhammad's Meltdown," *Seattle Times*, Nov. 10, 2002.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Muhammad v. Maryland*, pp. 27-28.

<sup>46</sup> Laura McCandlish, "Malvo Story of Baltimore Plot Called 'Alarming,' 'Sobering,'" *Baltimore Sun*, May 25, 2006.

<sup>47</sup> “Malvo: Muhammad Planned to Extort Millions,” Associated Press, May 23, 2003.

<sup>48</sup> Robert J. O’Brien, “The Attack on the American Embassy During Tet, 1968: Factors that Turned a Tactical Victory into a Political Defeat,” thesis for U.S. Army Command and General Staff College, 2009, p. 30.

<sup>49</sup> *Ibid.*, pp. 4-5.

<sup>50</sup> Assaf Moghadam, *The Globalization of Martyrdom: Al Qaeda, Salafi Jihad, and the Diffusion of Suicide Attacks* (Baltimore: The Johns Hopkins University Press, 2008), p. 6.

<sup>51</sup> Sumantra Bose, *Kashmir: Roots of Conflict, Paths to Peace* (Cambridge, MA: Harvard University Press, 2005), ch. 3.

<sup>52</sup> L.K. Advani, “Statement Made by Mr. L.K. Advani, Home Minister of India, in Connection with the Terrorist Attack on Parliament House on the 13th of December, 2001,” Dec. 18, 2001.

<sup>53</sup> See Shakeel Anjum & Muhammad Anis, “Senior Officers Were Main Target of GHQ Attack,” *The News* (Pakistan), Oct. 13, 2009; “GHQ Attackers Demanded Release of 100 Militants,” AFP, Oct. 13, 2009.

<sup>54</sup> Criminal Complaint, *United States v. Duka*, No. 07-M-2046 (D. N.J., May 7, 2007), pp. 3-5.

<sup>55</sup> *Ibid.*, p. 12.

<sup>56</sup> Superseding Indictment, *United States v. Boyd*, No. 5-09-CR-216 (E.D. N.C., Sept. 24, 2009), ¶ 63.

<sup>57</sup> *Ibid.*, ¶ 65.

<sup>58</sup> Angel Rabasa et al., *The Lessons of Mumbai* (Santa Monica, CA: The RAND Corporation, 2009), p. 4.

<sup>59</sup> NYPD Intelligence Division, “Mumbai Attack Analysis,” Dec. 4, 2008, pp. 30-32.

<sup>60</sup> Rabasa et al., *The Lessons of Mumbai*, p. 5.

<sup>61</sup> *Ibid.*, p. 7.

<sup>62</sup> Richard Esposito et al., “9/11 Mosque Continued To Produce Jihadis,” ABC News, Sept. 29, 2010.

<sup>63</sup> Eleanor S. Wainstein, *The Cross and Laporte Kidnappings, Montreal, October 1970* (Santa Monica: The RAND Corporation, 1977), p. 7.

<sup>64</sup> Ronald Crelinsten, “Canada’s Historical Experience with Terrorism and Violent Extremism,” in Daveed Gartenstein-Ross & Linda Frum eds., *Terror in the Peaceable Kingdom: Understanding and Addressing Violent Extremism in Canada* (Washington, DC: FDD Press, forthcoming 2012).

<sup>65</sup> Wainstein, *The Cross and Laporte Kidnappings*, p. 20.

<sup>66</sup> Crelinsten, “Canada’s Historical Experience with Terrorism and Violent Extremism.”

<sup>67</sup> Fay Willey & Paul Martin, “Striking at Italy’s Heart,” *Newsweek*, Mar. 27, 1978.

<sup>68</sup> “Gun Identified in Moro Death, Papers Report,” Reuters, June 20, 1979.

<sup>69</sup> Kevin Flynn & Gary Gerhardt, *The Silent Brotherhood: The Chilling Inside Story of America’s Violent, Anti-Government Militia Movement* (New York: The Free Press, 1989), p. 7.

<sup>70</sup> *Ibid.*, pp. 133-34.

<sup>71</sup> *Ibid.*, pp. 151-54.

<sup>72</sup> Dwight Hamilton & Kostas Rimsa, *Terror Threat: International and Homegrown Terrorists and Their Threat to Canada* (Toronto: Dundurn Press, 2007), pp. 21-22.

<sup>73</sup> Yaroslav Trofimov, *The Siege of Mecca: The 1979 Uprising at Islam’s Holiest Shrine* (New York: Doubleday, 2007), p. 50. Trofimov provides the most compelling and comprehensive account of this important incident.

<sup>74</sup> *Ibid.*, pp. 126-27.

<sup>75</sup> *Ibid.*, pp. 152-55.

<sup>76</sup> *Ibid.*, p. 173.

<sup>77</sup> *Ibid.*, p. 225.

<sup>78</sup> Christopher Dickey, “Saudi Storms,” *Newsweek*, Oct. 3, 2005.

<sup>79</sup> John C. Danforth, “Interim Report to the Deputy Attorney General Concerning the 1993 Confrontation at the Mt. Carmel Complex, Waco, Texas,” July 31, 2000, pp. 6-13.

<sup>80</sup> “McVeigh Offers Little Remorse in Letters,” Associated Press, June 10, 2001.

<sup>81</sup> H.R. 1506, § 922A.

<sup>82</sup> 18 U.S.C. § 922(g).

<sup>83</sup> Richard Esposito et al., “Recruiter Shooting Suspect Under FBI Investigation,” ABC News, June 1, 2009.

<sup>84</sup> Kristina Goetz, “Muslim Who Shot Soldier in Arkansas Says He Wanted to Cause More Death,” *Commercial Appeal* (Memphis, Tenn.), Nov. 13, 2010.

<sup>85</sup> Pierre Thomas & Jason Ryan, “Alleged Fort Hood Shooter Bought Gun, Despite Ongoing Terrorism Investigation,” *ABC News*, Nov. 11, 2009.

<sup>86</sup> The City of New York, *Gun Show Undercover: Report on Illegal Sales at Gun Shows*, Oct. 2009, p. 6.



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