


From: William_K_Kelley@who.eop.gov
Sent: Friday, August 11, 2006 10:24 AM
To: Elwood, John
Subject: RE: strong WSJ editorial on terrorist plot

-----Original Message-----


From: John.Elwood@usdoj.gov [mailto:John.Elwood@usdoj.gov]
Sent: Friday, August 11, 2006 10:23 AM
To: Kelley, William K.
Subject: RE: strong WSJ editorial on terrorist plot

-----Original Message-----

From: William_K_Kelley@who.eop.gov
[mailto:William_K_Kelley@who.eop.gov]
Sent: Friday, August 11, 2006 10:18 AM
To: Elwood, John
Subject: FW: strong WSJ editorial on terrorist plot



From: Kaplan, Joel
Sent: Friday, August 11, 2006 10:12 AM
To: Kelley, William K.
Subject: RE: strong WSJ editorial on terrorist plot

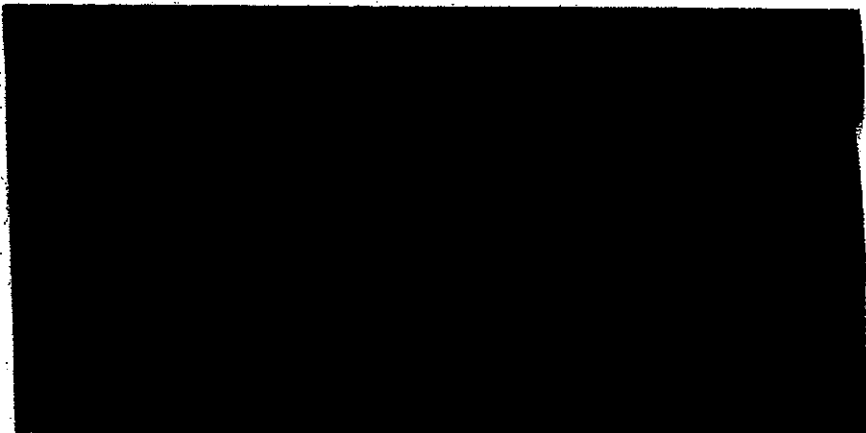


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From: Kelley, William K.
Sent: Friday, August 11, 2006 9:58 AM
To: Kaplan, Joel
Subject: RE: strong WSJ editorial on terrorist plot

From: Kaplan, Joel
Sent: Friday, August 11, 2006 9:54 AM
To: Kelley, William K.; Rapuano, Kenneth
Cc: Bartlett, Dan; Crouch, Jack D.
Subject: FW: strong WSJ editorial on terrorist plot



From: Wehner, Peter H.
Sent: Friday, August 11, 2006 8:40 AM
To: Bartlett, Dan; 'Karl Rove'; Snow, Tony; Kaplan, Joel; Feaver, Peter D.
Subject: strong WSJ editorial on terrorist plot

REVIEW & OUTLOOK

'Mass Murder' Foiled
A terror plot is exposed by the policies many American liberals oppose.

Friday, August 11, 2006 12:01 a.m.

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Americans went to work yesterday to news of another astonishing terror plot against U.S. airlines, only this time the response was grateful relief. British authorities had busted the "very sophisticated" plan "to commit mass murder" and arrested 20-plus British-Pakistani suspects. As we approach the fifth anniversary of 9/11 without another major attack on U.S. soil, now is the right moment to consider the policies that have protected us--and those in public life who have fought those policies nearly every step of the way.

It's not as if the "Islamic fascists"--to borrow President Bush's description yesterday--haven't been trying to hit us. They took more than 50 lives last year in London with the "7/7" subway bombings. There was the catastrophic attack in Madrid the year before that left nearly 200 dead. But there have also been successes. Some have been publicized, such as a foiled plot to poison Britain's food supply with ricin. But undoubtedly many have not, because authorities don't want to compromise sources and methods, or because the would-be terrorists have been captured or killed before they could carry out their plans.

In this case the diabolical scheme was to smuggle innocent-looking liquid explosive components and detonators onto planes. They could then be assembled onboard and exploded, perhaps over cities for maximum horror. Multiply the passenger load of a 747 by, say, 10 airliners, and this attack could have killed more people than 9/11. We don't yet know how the plot was foiled, but surely part of the explanation was crack surveillance work by British authorities.

"This wasn't supposed to happen today," a U.S. official told the Washington Post of the arrests and terror alert. "It was supposed to happen several days from now. We hear the British lost track of one or two guys. They had to move." Meanwhile, British antiterrorism chief Peter Clarke said at a news conference that the plot was foiled because "a large number of people" had been under surveillance, with police monitoring "spending, travel and communications."

Let's emphasize that again: The plot was foiled because a large number of people were under surveillance concerning their spending, travel and communications. Which leads us to wonder if Scotland Yard would have succeeded if the ACLU or the New York Times had first learned the details of such surveillance programs.

And almost on political cue yesterday, Members of the Congressional Democratic leadership were using the occasion to suggest that the U.S. is actually more vulnerable today despite this antiterror success. Harry Reid, who's bidding to run the Senate as Majority Leader, saw it as one more opportunity to insist that "the Iraq war has diverted our focus and more than \$300 billion in resources from the war on terrorism and has created a rallying cry for international terrorists."

Ted Kennedy chimed in that "it is clear that our misguided policies are

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making America more hated in the world and making the war on terrorism harder to win." Mr. Kennedy somehow overlooked that the foiled plan was nearly identical to the "Bojinka" plot led by Ramzi Yousef and Khalid Sheikh Mohammed to blow up airliners over the Pacific Ocean in 1995. Did the Clinton Administration's "misguided policies" invite that plot? And if the Iraq war is a diversion and provocation, just what policies would Senators Reid and Kennedy have us "focus" on?

Surveillance? Hmmm. Democrats and their media allies screamed bloody murder last year when it was leaked that the government was monitoring some communications outside the context of a law known as the Foreign Intelligence Surveillance Act. FISA wasn't designed for, nor does it forbid, the timely exploitation of what are often anonymous phone numbers, and the calls monitored had at least one overseas connection. But Mr. Reid labeled such surveillance "illegal" and an "NSA domestic spying program." Other Democrats are still saying they will censure, or even impeach, Mr. Bush over the FISA program if they win control of Congress.

This year the attempt to paint Bush Administration policies as a clear and present danger to civil liberties continued when USA Today hyped a story on how some U.S. phone companies were keeping call logs. The obvious reason for such logs is that the government might need them to trace the communications of a captured terror suspect. And then there was the recent brouhaha when the New York Times decided news of a secret, successful and entirely legal program to monitor bank transfers between bad guys was somehow in the "public interest" to expose.

For that matter, we don't recall most advocates of a narrowly "focused" war on terror having many kind words for the Patriot Act, which broke down what in the 1990s was a crippling "wall" of separation between our own intelligence and law-enforcement agencies. Senator Reid was "focused" enough on this issue to brag, prematurely as it turned out, that he had "killed" its reauthorization.

And what about interrogating terror suspects when we capture them? It is elite conventional wisdom these days that techniques no worse than psychological pressure and stress positions constitute "torture." There is also continued angst about the detention of terror suspects at Guantanamo Bay, even as Senators and self-styled civil libertarians fight Bush Administration attempts to process them through military tribunals that won't compromise sources and methods.

In short, Democrats who claim to want "focus" on the war on terror have wanted it fought without the intelligence, interrogation and detention tools necessary to win it. And if they cite "cooperation" with our allies as some kind of magical answer, they should be reminded that the British and other European legal systems generally permit far more intrusive surveillance and detention policies than the Bush Administration has ever contemplated. Does anyone think that when the British interrogate those 20 or so suspects this week that they will recoil at harsh or stressful questioning?

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Another issue that should be front and center again is ethnic profiling. We'd be shocked if such profiling wasn't a factor in the selection of surveillance targets that resulted in yesterday's arrests. Here in the U.S., the arrests should be a reminder of the dangers posed by a politically correct system of searching 80-year-old airplane passengers with the same vigor as screeners search young men of Muslim origin. There is no civil right to board an airplane without extra hassle, any more than drivers in high-risk demographics have a right to the same insurance rates as a soccer mom.

The real lesson of yesterday's antiterror success in Britain is that the threat remains potent, and that the U.S. government needs to be using every legal tool to defeat it. At home, that includes intelligence and surveillance and data-mining, and abroad it means all of those as well as an aggressive military plan to disrupt and kill terrorists where they live so they are constantly on defense rather than plotting to blow up U.S.-bound airliners.

As the time since 9/11 has passed, many of America's elites have begun to portray U.S. government policies as a greater threat than the terrorists themselves. George Soros and others have said this explicitly, and their political allies in Congress and the media have staged a relentless campaign against the very practices that saved innocent lives this week. We doubt that many Americans who will soon board an airplane agree.

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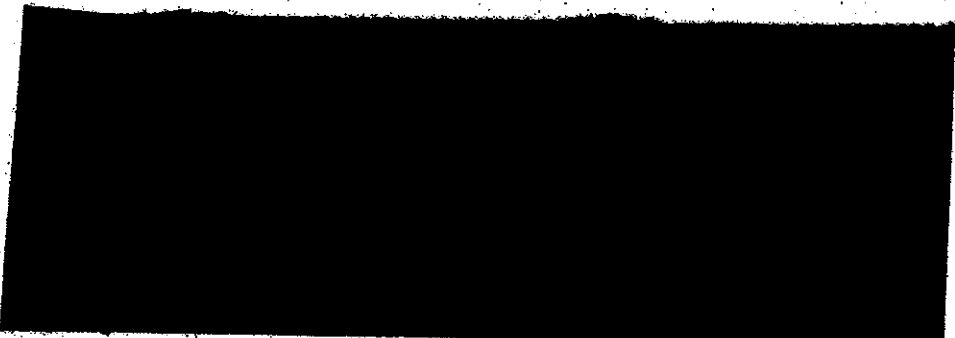
From: Brent_J_McIntosh@who.eop.gov
Sent: Monday, August 14, 2006 5:21 PM
To: Elwood, John
Subject: RE: strong WSJ editorial on terrorist plot

-----Original Message-----

From: John.Elwood@usdoj.gov [mailto:John.Elwood@usdoj.gov]
Sent: Monday, August 14, 2006 8:52 AM
To: McIntosh, Brent J.
Cc: Hinnen, Todd M.
Subject: RE: strong WSJ editorial on terrorist plot

-----Original Message-----

From: Brent_J_McIntosh@who.eop.gov
[mailto:Brent_J_McIntosh@who.eop.gov]
Sent: Monday, August 14, 2006 8:44 AM
To: Elwood, John
Cc: Todd_M_Hinnen@nsc.eop.gov
Subject: RE: strong WSJ editorial on terrorist plot



-----Original Message-----

From: John.Elwood@usdoj.gov [mailto:John.Elwood@usdoj.gov]
Sent: Friday, August 11, 2006 6:47 PM
To: McIntosh, Brent J.
Cc: Hinnen, Todd M.
Subject: RE: strong WSJ editorial on terrorist plot



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-----Original Message-----

From: Brent_J_McIntosh@who.eop.gov
[mailto:Brent_J_McIntosh@who.eop.gov]
Sent: Friday, August 11, 2006 6:14 PM
To: Elwood, John
Cc: Todd_M_Hinnen@nsc.eop.gov
Subject: RE: strong WSJ editorial on terrorist plot

-----Original Message-----

From: John.Elwood@usdoj.gov [mailto:John.Elwood@usdoj.gov]
Sent: Friday, August 11, 2006 6:11 PM
To: McIntosh, Brent J.
Cc: Hinnen, Todd M.
Subject: RE: strong WSJ editorial on terrorist plot

-----Original Message-----

From: Brent_J_McIntosh@who.eop.gov
[mailto:Brent_J_McIntosh@who.eop.gov]
Sent: Friday, August 11, 2006 5:37 PM
To: Elwood, John
Cc: Todd_M_Hinnen@nsc.eop.gov
Subject: RE: strong WSJ editorial on terrorist plot

-----Original Message-----

From: Zarate, Juan C.
Sent: Friday, August 11, 2006 11:36 AM
To: McIntosh, Brent J.; Wiegmann, John B.; Celestini, Philip A.
Cc: 'John Elwood (john.elwood@usdoj.gov)'; Hinnen, Todd M.
Subject: RE: strong WSJ editorial on terrorist plot

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-----Original Message-----

From: McIntosh, Brent J.

Sent: Friday, August 11, 2006 11:34 AM

To: Wiegmann, John B.; Celestini, Philip A.

Cc: 'John Elwood (john.elwood@usdoj.gov)'; Zarate, Juan C.; Hinnen, Todd M.

Subject: RE: strong WSJ editorial on terrorist plot



-----Original Message-----

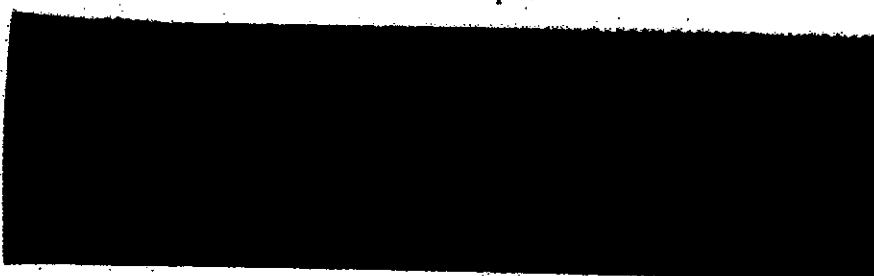
From: Wiegmann, John B.

Sent: Friday, August 11, 2006 11:23 AM

To: McIntosh, Brent J.; Celestini, Philip A.

Cc: 'John Elwood (john.elwood@usdoj.gov)'; Zarate, Juan C.; Hinnen, Todd M.

Subject: RE: strong WSJ editorial on terrorist plot



-----Original Message-----

From: McIntosh, Brent J.

Sent: Friday, August 11, 2006 11:07 AM

To: Celestini, Philip A.; Wiegmann, John B.

Cc: John Elwood (john.elwood@usdoj.gov)

Subject: FW: strong WSJ editorial on terrorist plot

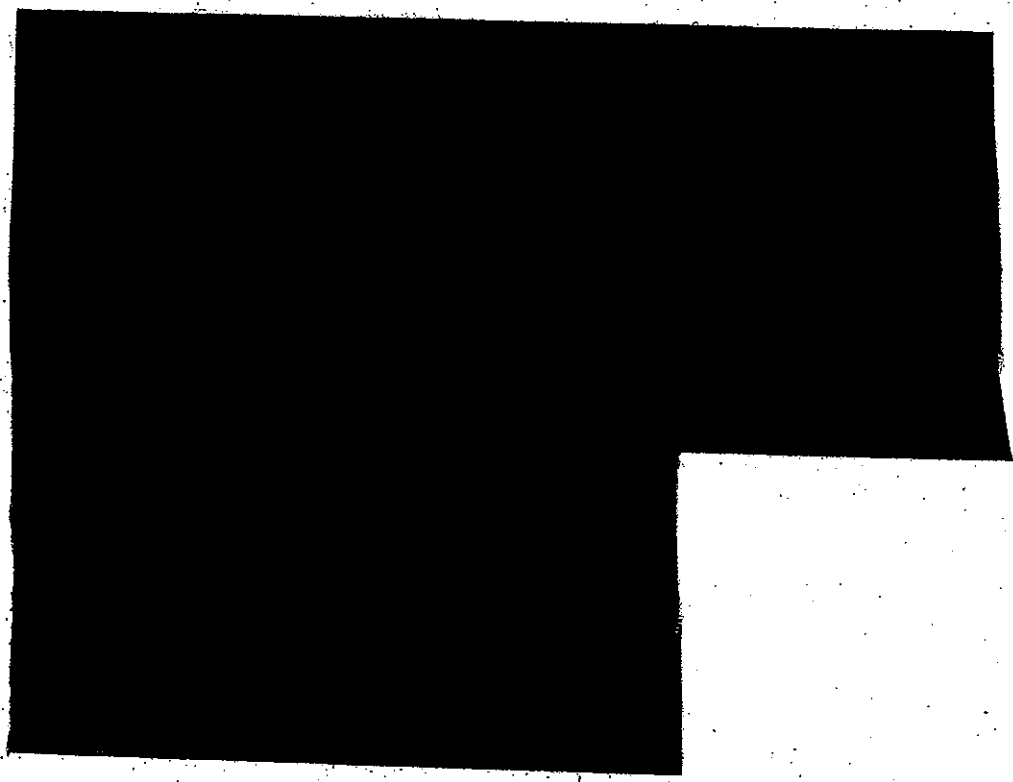


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-----Original Message-----

From: John.Elwood@usdoj.gov [mailto:John.Elwood@usdoj.gov]
Sent: Friday, August 11, 2006 10:49 AM
To: McIntosh, Brent J.
Cc: Zarate, Juan C.
Subject: RE: strong WSJ editorial on terrorist plot

From: Brent J. McIntosh@who.eop.gov
[mailto:Brent_J_McIntosh@who.eop.gov]
Sent: Friday, August 11, 2006 10:41 AM
To: Elwood, John
Cc: Juan C. Zarate@nsc.eop.gov
Subject: FW: strong WSJ editorial on terrorist plot




From: Kelley, William K.
Sent: Friday, August 11, 2006 10:17 AM

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To: Kaplan, Joel
Cc: McIntosh, Brent J.
Subject: RE: strong WSJ editorial on terrorist plot

From: Kaplan, Joel
Sent: Friday, August 11, 2006 10:12 AM
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From: Kaplan, Joel
Sent: Friday, August 11, 2006 9:54 AM
To: Kelley, William K.; Rapuano, Kenneth
Cc: Bartlett, Dan; Crouch, Jack D.
Subject: FW: strong WSJ editorial on terrorist plot



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[REDACTED]

From: Wehner, Peter H.
Sent: Friday, August 11, 2006 8:40 AM
To: Bartlett, Dan; 'Karl Rove'; Snow, Tony; Kaplan, Joel; Feaver, Peter D.
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In this case the diabolical scheme was to smuggle innocent-looking liquid explosive components and detonators onto planes. They could then be assembled onboard and exploded, perhaps over cities for maximum horror. Multiply the passenger load of a 747 by, say, 10 airliners, and this attack could have killed more people than 9/11. We don't yet know how the plot was foiled, but surely part of the explanation was crack surveillance work by British authorities.

"This wasn't supposed to happen today," a U.S. official told the

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DOJ OLC 001351

Washington Post of the arrests and terror alert. "It was supposed to happen several days from now. We hear the British lost track of one or two guys. They had to move." Meanwhile, British antiterrorism chief Peter Clarke said at a news conference that the plot was foiled because "a large number of people" had been under surveillance, with police monitoring "spending, travel and communications."

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As the time since 9/11 has passed, many of America's elites have begun to portray U.S. government policies as a greater threat than the terrorists themselves. George Soros and others have said this explicitly, and their political allies in Congress and the media have staged a relentless campaign against the very practices that saved innocent lives this week. We doubt that many Americans who will soon board an airplane agree.

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