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PREVENTING NUCLEAR TERRORISM†

DALE WATSON*

Good evening. I'm glad to be here tonight. I will focus my remarks a bit differently from what Joe [Cirincione] and Jared [Silberman] are going to talk about. I think they are truly experts in this subject matter. What I would like to focus on, having been in the FBI for over twenty-five years, is the problem of nuclear proliferation in the states, the U.S. internally—what we're doing, what we have been doing, and what we're trying to do.

Before I get started, let me provide some background. I had a long career in the FBI. That's where I met Professor Gurulé, and we worked side-by-side. He was responsible for trying to track some of the terrorist financing inside the United States, a very difficult job, and a very difficult assignment. If we had more time, I'm sure we could have a separate panel on how difficult it is to trace money transfers from Mississippi to Chicago to a bank in Europe to another bank in Asia and eventually to the bad guys. It is a very difficult process, but I'm honored to be with him tonight, and Notre Dame is fortunate to have him on their faculty. He did say in honor of me being here tonight that he's waiving all the final exams for his classes. I'm only teasing.

I started out in the FBI in Birmingham, Alabama. After three or four years, I was assigned to New York City to work counter-intelligence, mainly chasing spies in New York. Part of the job was to get out in the street. It wasn't to sit in the office and read the paper and interview people. Soon after I arrived in Manhattan, I found myself in Brooklyn. I knocked on this gen-

† Mr. Watson was the first speaker at the Symposium on Re-Thinking the Bomb: Nuclear Weapons in the Age of Terrorism hosted by the *Notre Dame Journal of Law, Ethics & Public Policy* on November 9, 2004. See also Joseph Cirincione, Proliferation Threats and Solutions (Nov. 9, 2004), in 19 NOTRE DAME J.L. ETHICS & PUB. POL'Y 339 (2005); Jared Silberman, Non-Lethal Weaponry and Non-Proliferation (Nov. 9, 2004), in 19 NOTRE DAME J.L. ETHICS & PUB. POL'Y 347 (2005).

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tleman's door, held out my credentials, and said, "I'm Dale Watson; I'm with the FBI. I'd like to ask you a few questions." He looks down and says, "You're not from here, are you?" I said, "No, I'm not." He said, "Where are you from?" And I said, "Where are you from?" It took me about five seconds to understand his English, and he said, "I'm from Brooklyn, where are you from?" I said, "I'm from LA." He looks back at me and says, "What?" I said, "Yeah, lower Alabama." If you haven't detected a Southern accent, I do have a Southern accent. Actually, I'm from central Florida. Jared [Silberman] has agreed to translate any of the English you don't understand tonight.

Let's get started. First, I want to briefly consider the question: Why were we attacked on 9/11? There are some basic things that come back into play when you start talking about nuclear weapons inside the United States. First, we are a land of immigrants, and no one wants to change that. That's who we are; we all came from somewhere else, unless you're Native American. And we encourage that. Over a period of time, we've allowed, continued to allow, and even encouraged people to come to this country. With that freedom also comes vulnerability. The nineteen hijackers, for instance, were able to get into this country easily. Basically, the Saudis were able to get a visa by calling the consulate. You didn't even have to go to the consulate prior to 9/11 to get a visa to come to the U.S. Prior to 9/11, someone could come in with their I-94 stamped in New York, and there was little tracking of people once they entered the United States. For instance, Mohammed Atta, one of the hijackers, came into New York City, and on his I-94 he stamped "I'm a fisherman. I'm being sponsored by Mohammed Atta (listing himself). I'm staying at the Marriott in New York City." Boom. He's inside the United States. We have no record—no way of finding out where he is, what he's doing, or if he overstays his visa. That is absolute freedom. People come here to enjoy America for who we are—a land of immigrants. But it also comes with vulnerability.

The second reason we were attacked, and probably the most important, is that we have the Constitution. No one is advocating changing the Constitution. After 9/11, I won't tell you exactly where I was, but a very senior official in this government, who happened to get reelected, basically said, "You know, the only safe place for terrorism might be inside the United States." What was he talking about? He was talking about our rights and our criminal justice system. No one is advocating changing any of those. We all swear to stand up and defend the Constitution, and that is right. But with those freedoms comes absolute vulner-

ability. You must understand that as you go forward. You have to consider what that really means. How does that impact the vulnerability? In our system of government and justice, as it was pointed out to me when I was in the FBI, it is better for ninety-nine guilty people to go free than to convict one innocent person. I agree with that. But with that comes a very vulnerable system, open to exploitation by terrorists trying to get in here.

Where does that leave us with the nuclear problem? Is it a problem? I can tell you, before 9/11, I was worried to death—and many people were worried to death, including my colleagues out in the CIA—that Bin Laden was going to get his hands on a nuclear device. We were absolutely fearful of that. We would probe, we would study, we would follow every potential lead around the world, and think, “Does he have this?” We knew he experimented with chemical weapons on animals; we knew that he experimented with rabbits and tried poisoning cats. After 9/11, and with the invasion of Afghanistan, my concerns went down considerably because of all the searches that were done over there. There were documents discovered that revealed he was trying to obtain and would utilize those types of weapons, but he did not have them. There were plans drawn up, and there were individuals he was trying to recruit to get their hands on nuclear weapons. Would he use them? Absolutely. Do you think for a second that if he had that capability, he would not have used that against us? He absolutely would. He continues to strive to obtain these nuclear weapons, even though the al Qaeda organization is kind of broken up, largely because of the war on terrorism. If he could get his hands on them, he absolutely would use them.

Joe [Cirincione] and Jared [Silberman] are going to talk to you about where these weapons are, and how people get their hands on them. Professor Gurulé mentioned that the collapse of the Soviet Union made those weapons systems very vulnerable. The amount of spent uranium around the world is a big problem. What concerns me most, as we go forward with technology, is a suitcase nuclear bomb. Will we ever have a device that can be smuggled into this country? It is the number one threat. Many people, when they talk about nuclear weapons, also raise the issue of a dirty bomb. Looking at that, I’m concerned about a dirty bomb, but that’s not really the problem in the U.S. The biggest threat is dispersal of nuclear material in the community. A dirty bomb would be bad, but certainly not as bad, or not as horrible, as if a nuclear device were detonated.

So, that’s where we are in the process. We know that Bin Laden tried to recruit other countries’ scientists to help him obtain and develop that sort of material. If he is doing it, believe

me, there are many other terrorist organizations that want to get their hands on it as well. It is a threat; it is a huge threat. I used to say, prior to 9/11, and even after leaving the government, that it's a low probability risk with very high consequences.

Let's remove ourselves from South Bend and think about a nuclear device going off in Cincinnati, Ohio. What's going to happen? How can that happen? If it does happen, what are the consequences? Well, besides the loss of life, you are going to throw this country into a constitutional crisis. Whenever you consider the worst case scenario, and back in Washington you talk about incidents and things like this, the first thing people say is, "We'll quarantine everyone in Cincinnati." That's an easy statement to make, but what judicial authority do you have to quarantine them? If the state of Ohio says we're not going to allow anyone to leave the county where Cincinnati is, who is going to enforce that? What if the state of Kentucky closes its borders and refuses to allow the people from Ohio to come to Kentucky? Do they have that right? Think about not only the economic consequences and loss of life, but also the constitutional issues involved. Close the airports. Stop trade between states. The water supply is moving down stream. Are you going to turn off the water? Is one state going to sue another state because their borders were contaminated? There's a whole list of things. If you move that scenario to Washington, D.C., it becomes even more complicated. Who is going to take over for the government? What are the contingency plans? If everyone is not killed, and some people are injured, at what point do you turn around and appoint new officials or elect new people? These are very difficult issues.

Where does that leave us? I agree wholeheartedly that the issue about nuclear weapons inside the United States brought here by terrorists should be addressed outside of the borders. If you're going to sit here and allow a device to get in and go off, it's too late. This is an analogy that a lot of people like to use in the war on terrorism. You have to be on the offensive. I'm a firm believer of that. It's like a hockey game; you have to be down in the other end trying to prevent that. Prevention is, in fact, the number one key to the success of this.

As we move forward, you will hear more and more about this. Remember, inside the United States, it is a full-time effort by many people, not only the FBI, but several federal law enforcement agencies, to identify and coordinate the information about nuclear material and nuclear devices coming in here. It's protection of our borders. It's protection of our ports. It's looking at cargo. It's the development of technology that will detect that

stuff. We need to be on the offensive, to try to prevent this before it gets in here. I look forward to your questions, and I'm glad to be here.

