



Our AWOL Security State

Where are they when we need them?

By HARVEY SILVERGLATE | July 27, 2012

James Holmes's Aurora rampage serves to illustrate how the Feds, so preoccupied with inventing "terrorist" plots, fail to notice — much less stop — real criminals operating right under their noses.

News reports of James Holmes's deadly assault in Aurora, Colorado, should call to question the federal government's failure to get an inkling of Holmes's preparations to inflict mass terror. After all, Holmes had at the scene an AR-15 assault rifle, a Remington 12-gauge shotgun, and two Glock .40-caliber handguns, purchased lawfully in Colorado. Holmes also bought more than 6000 rounds of ammunition on the Internet.

In the post-9/11 era, the various investigatory and police organizations of the national security state monitor our movements, e-mail, and phone conversations — and generally poke their noses into our business, often beyond constitutional limits.

In Boston, just within the past year, we witnessed the conviction of a number of alleged "terrorists" by our hyperactive (and hype-prone) Joint Terrorism Task Force, FBI contingent, and US Attorney's office. Consider the trial of pharmacy student Tarek Mehanna, found guilty and sentenced to 17 years for what careful observers saw as nothing more than constitutionally protected big talk, just about all of it teased out by FBI agents and informers.

More recently, Rezwan Ferdaus, a graduate of Northeastern University, was indicted for allegedly plotting to use remote-control planes to blow up federal buildings. He pleaded guilty and awaits sentencing, likely in the 17-year range. Again, it is virtually impossible to come up with anything that the defendant did to further a real terroristic scheme other than what was suggested and abetted by agents and informants.

The Feds are good at inventing "terrorist" plots starring a cast of innocuous, big-talking, disgruntled misfits. They appear less skilled at gathering accessible information, such as records

of lawful but suspicious weapons sales in gun stores and unusually large online ammunition purchases. They are incompetent at noticing — much less stopping — real terrorists operating right under the noses of officialdom.

Cynics on the left have used this opportunity to demand gun control. A more sensible and less constitutionally dubious response to this tragedy would be the enactment of universal reporting requirements that allow for the aggregation of data tracking lawful purchases of ammunition and weapons. (The need for effective collection and centralization of information was the main recommendation of the 9/11 commission report, released in 2004. Little has improved.) Instead of conjuring fake terrorist plots, our national security apparatus should be analyzing available data to uncover real crimes before they unfold.