

Fortress America
On the Front Lines of Homeland Security – An Inside Look at the Coming
Surveillance State

by Matthew Brzezinski
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In his book *Fortress America*, journalist turned author Matthew Brzezinski presents a harrowing image of the current terrorist threat to America contrasted with a bleak description of the forces assembled to combat it. Thoroughly researched and the product of countless interviews with an astonishingly broad assortment of people, the end result is an eye-opening account of the magnitude of the United States' vulnerability to terrorist attack. The author weaves individual stories, descriptions of mind-boggling new technologies, and detail about the types of preparation that are being done to secure facets of everyday life in a read that is both fascinating and disturbing. Brzezinski evaluates various possibilities for keeping America safe and considers both the monetary costs and the immeasurable cost of individual freedom.

The book opens with a story that takes place far from America's borders. It is the story of a 1995 botched terrorist operation in the Philippines in which local police discovered the makings of a home laboratory of several Muslim terrorists, along with supplies and directions to make powerful liquid bombs. The police also uncovered what could have been an unsophisticated version of the plan that was carried out on September 11, 2001. They discovered that the men had been enrolled in flight school and had selected buildings as potential targets. The author interviewed numerous people about

their views of the 1995 incident including one of the female police officers involved in the arrest, Aida Fariscal. While Fariscal believes that an elitist attitude prohibited United States officials from making good use of the information provided by law enforcement in the Philippines, an ex-CIA official pointed out that while hindsight is always clearest, it was a failure of imagination that was the real culprit. The official told Brzezinski that the United States had “failed to make the intellectual leap from flight schools and dynamite-filled Cessnas to box cutters and fuel-laden Boeing 767s.”¹

Throughout the course of the book, Brzezinski spews statistics and stories to demonstrate the enormity of protecting America from terrorist attack. The sheer size of the country, the number of miles of coastline and border, the amount of imported goods entering the country, the size of the fleet of commercial aircraft and the American way of life rooted in personal liberty make America uniquely porous and vulnerable to attack. Among the more shocking statistics, Brzezinski notes that the United States has almost 100,000 miles of unprotected coastline and a 4,000 mile open border with Canada. Additionally, 95% of the containers entering the U.S. in commerce receive no physical inspection.

After thoroughly impressing upon the reader the size and elusive nature of the threat that the United States is facing in the post 9-11 age², Brzezinski explores some of the ways in which various agencies, departments and officials have undertaken to combat

¹ Page xxii.

² The National Commission on Terrorist Attacks Upon the United States, more commonly known as the 9/11 Commission, described the attacks in detail in its 2004 Final Report of the National Commission on Terrorist Attacks Upon the United States. 2004 WL 1846272 (US Senate). The Report describes how the nation was transformed on September 11, 2001 after 19 Arab men acting upon the orders of Islamist extremists headquartered in Afghanistan hijacked four commercial airliners. Id at 2. In total, the death toll surpassed the Pearl Harbor attack; more than 2,600 people died at the World Trade Center; 125 died at the Pentagon; 256 died on the four planes. Id.

the elusive threat. The author describes his visits to the newly formed Department of Homeland Security, the L.A./Long Beach Port, and a terror training exercise held in a skyscraper in downtown Denver. Brzezinski arrives early for his interview appointment at the headquarters of the newly formed Department of Homeland Security (DHS), which with its budget of \$36.7 billion, is surprisingly located in a residential neighborhood far from the epicenter of impressive government buildings in downtown D.C. He humorously describes his arrival at the DHS, passing down a small alleyway, at the end of which is a “plain, dull gray steel door, like what you might see at the side entrance of a warehouse or a seedy after-hours club.”³ After waiting for an hour and almost giving up on the interview, the author meets the assistant secretary, Bob Liscouski, whose brash manner is less than confidence-inspiring. When told the story of a innocent Muslim man locked up for 73 days without being charged with a crime and suffering constant interrogation, Liscouski responds with: “Shit happens. There’s going to be collateral damage. You’re going to have to give up some things if you want to live.”⁴

The events of September 11, 2001 initially caused a widespread panic amongst regular American citizens, fueled by the faulty terror threat notification system and a general perception that there would be more attacks. With the passing of time, the legal repercussions of action both taken and contemplated following the attacks have become more apparent as the urgency and fear fades from recent memory. The 2001 USA Patriot Act, enacted in immediate response to the attacks, broadened the scope of law enforcement’s surveillance and investigative powers for matters relating to terrorist threats. The Patriot Act, once seen as a necessary measure to get out in front of the threat,

³ Page 177.

⁴ Page 186

has lost public support in the years since the attacks and received criticism for being easily abused by overreaching.⁵

As an illustration of the panic that ensued following September 11, the author tells the story of Hady Hassan Omar, a Muslim immigrant from Egypt who was arrested on September 12, 2001. Omar had the bad luck of presenting enough coincidences to federal authorities to appear to be involved in the terrorist attacks the day before. Omar was a young, computer literate Muslim. He was an immigrant with an upper class background who had flown on business on September 11. He fit the profile of a terrorist. Omar was arrested and endured exhausting interrogation, lie detector tests, and isolation for 73 days. He was finally released, without ever being charged with a crime. Brzezinski notes that the threat to national security lent itself to these types of abuses. The INS and FBI set a frightening legal precedent by making arrests, forcing the detainees to prove their innocence, denying them due process by having the enforcement arm of the government handle the process and cloak their actions in secrecy under the guise of protecting national security.⁶

Brzezinski describes the results of the first bio-terrorism exercise in the U.S., staged in Denver by FEMA and the Justice Department in May of 2000, prior to the

⁵ Page 92. Brzezinski notes that the danger of overreaching stems from law enforcement's ability to operate with secrecy as the Freedom of Information Act does not apply to matters of national security. *Id.* The American Civil Liberties Union filed suit against the U.S. Attorney General seeking to compel disclosure under the Freedom of Information Act of the number of authorizations granted to the FBI under the Patriot Act. *American Civil Liberties Union v. United States DOJ*, 321 F. Supp. 2d 24 (D.C. Cir. 2004). The court denied the ACLU's motion, basing its decision on the national security exemption imbedded within the FOIA.

⁶ The court in *United States v. Koubriti* noted that the pretrial comments of the U.S. Attorney General Ashcroft warranted a formal judicial admonition, but did not rise to the level of criminal contempt sanctions. 305 F. Supp. 2d 723 (E.D. Mich. 2003). In what seemed to be an admission that Arab immigrants would be detained on pretextual violations while the government investigated them for links to terrorism, Ashcroft said: "We will arrest and detain any suspected terrorist who has violated the law. If suspects are found not to have links to terrorism or not to have violated the law, they'll be released." *Id.* at 729.

terrorist attacks. A variety of the airborne and easily spread pneumonic plague was supposedly released at a matinee at the Performing Arts Center. Several days later, hospitals saw a huge increase in the number of people complaining of flu-like symptoms, which are the early warning signs of the plague. These patients, who were really volunteer actors, were told to get some rest, or were prescribed cold medicine. By the time a large number of “deaths” were reported and officials got wind of an epidemic, Brzezinski shows how hospitals would have been swamped, traffic jams would have blocked off roads and slowed the delivery of medications, and large numbers of health care and ordinary citizens would have been infected. Some people would of course flee the area and would cause the disease to spread throughout the United States. The exercise illustrated how a bio-terror attack with a deadly and highly infectious agent could devastate the country. It also demonstrated how the early warning signs would likely be dismissed as ordinary viral infections, by which point there would not be any way to control the outbreak. Clearly, a silent bio-terror attack is almost impossible to adequately protect against or effectively control.

Although Brzezinski does not specifically pose the question, by the end of the book the reader is invariably left to wonder if it is possible to truly secure the U.S. from terrorist threat, or if minimization of the threat is the best that can be done. As the author leads the reader through the possibilities in technology and different surveillance techniques, it appears that true safety, if even possible, could be achieved only through drastic changes to the American way of life and at staggering financial cost. Through his interviews with the various men and women charged with upholding the American

people's safety,⁷ it is readily apparent that while some progress has been made, much more cooperation and organization will be needed to make the efforts against terror effective.

Fortress America concludes with a number of harrowing statistics and some of the author's thoughts on the so-called "war on terror." Brzezinski leaves the reader with words of caution, urging the importance of preserving the fundamental values that make America free and notes that it will be crucial to protect these freedoms in the future. The only uncertainty, he observes, is not whether terrorists will strike again, but when.

⁷ Brzezinski interviewed Offer Evinav, an Israeli Security Consultant with GS-3, a new counterterrorism organization formed after the 09/11 attacks. Evinav had many years of expertise in the field as a former officer of the Shin Bet, which is responsible for all domestic intelligence and counter terror initiatives in Israel and was able to thoroughly explain to the author the security procedures observed by Israel's commercial airline, El Al. Pg. 22-51. Brzezinski also spoke with port managers, first responders and bureaucrats in order to report on their plans, progress and thoughts on confronting terrorism.