

Henry M. Jackson School of International Studies

Confronting Terrorism: A Strategy for U.S. Policy



2009 Task Force Report

The Henry M. Jackson School of International Studies
Presents

2009 Task Force Report
Confronting Terrorism: A Strategy for U.S. Policy

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Acronyms

AAA: American Anthropological Association	ISAF: International Security Assistance Force
ANA: Afghan National Army	MUKUB: “Bureau of Services for Arab Mujahideen” or Maktab al-Khidmat ul Mujahideen ul-Arab
AQ-I: Al Qaeda in Iraq	NATO: North Atlantic Treaty Organization
AQIM: Lands of the Islamic Maghreb	NCS: National Clandestine Services
CDC: Centers for Disease Control and Prevention	NCTC: National Counterterrorism Center
CIA: Central Intelligence Agency	NGO: Non-Governmental Organization
CIN: National Intelligence Centre, Spain	NPF: National Peace Foundation
CTC: Security Council’s Counter-Terrorism Committee	NSA: National Security Agency
DHHS: Department of Health and Human Services	NSC: National Security Council
DHS: Department of Homeland Security	NWEP: North-West Frontier Province
DoD: Department of Defense	OHS: Office of Homeland Security
FATA: Federally Administered Tribal Areas	OWCI: Office of War Crimes Issues
FBI: Federal Bureau of Investigation	PPP: Pakistan People’s Party
FEMA: Federal Emergency Management Agency	SIGINT: Signals Intelligence
FOIA: Freedom of Information Act	SOCOM: Special Operations Command
G8: Group of Eight	SOF: Special Operations Force
GAO: The United States Government Accountability Office	TFG: Transitional Federal Government
GSPC: Salafist Group for Preaching and Combat	TFR: total fertility rate
HLF: Holy Land Foundation for Relief and Development	TWA: Trans World Airlines
HTS: Human Terrain System	UCLAT: <i>l’unite de coordination de la lutte anti terroriste</i>
HTT: Human Terrain Team	UK: United Kingdom
HUMINT: Human Intelligence	UN: United Nations
ICC: International Criminal Court	USA PATRIOT Act: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act
ICU: Islamic Union Courts	USEC: United States Enrichment Corporation
IED: improvised explosive devices	USSR: Union of Soviet Socialist Republics
INA: Immigration and Naturalization Act	WITS: Worldwide Incidents Tracking Systems
INS: Immigration and Naturalization Service	WTC: World Trade Center

Executive Summary

Terrorism is one of the most pressing national security issues facing the United States today. The counterterrorism policies of the last eight years, however, have done little to safeguard the U.S. against potential terrorist attacks in the future. In this report, we aim to provide U.S. policymakers with a series of practical recommendations for combating terrorism. We begin by presenting our definition of terrorism, which we adapt from the U.S. State Department: “The term terrorism means premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended *to have a psychological impact on a broad audience*” [our modification].¹

A number of factors produce terrorism. Here, we focus on three: Islamic radicalism, the “youth bulge,” and U.S. global hegemony. First, radical Islamic fundamentalist groups are especially likely to target the U.S. because of their dissatisfaction with Westernization and the longstanding U.S. involvement in the internal affairs of Muslim countries. Second, countries with large populations of disaffected youth, particularly young men, tend to experience higher rates of political violence than countries that lack “youth bulges”; disaffected youth sometimes turn to terrorism to express their personal frustrations. And finally, the notion of the U.S. as a meddling “superpower” serves as a major recruitment tool for terrorist organizations which often use the internet to spread their anti-American sentiment to certain populations.

We suggest that the U.S. make diplomacy a central component of its counterterrorism policies. The U.S. should try to improve its public image abroad by developing its relations with populations in regions where anti-American sentiment has grown. In addition, the U.S. should work

¹ United States Department of State. *Patterns of Global Terrorism 2003*, April 2004 (accessed January 13, 2009); available from <http://www.state.gov/documents/organization/31932.pdf>.

more closely with foreign governments that also face terrorism in order to address current and future threats together. We subsequently present specific recommendations for the ways in which the U.S. should deal with terrorism in Iraq, Afghanistan, Lebanon, Palestine, and Somalia.

The U.S. military also has a role to play in counterterrorism efforts. Nevertheless, we believe that large-scale military assaults against terrorist targets should not be pursued unless all diplomatic options have been exhausted. If the need to launch a massive incursion were to arise at some point in the future, however, the military should be prepared to engage in non-conventional warfare; in the second part of this report, we offer suggestions on how this could be accomplished. Furthermore, the U.S. should obtain international support for military strikes, accurately estimate the (financial) costs of going to war, deploy a high level of troops, and gather information on the social, cultural, political, and economic systems of the area being invaded.

The report will explore how the United States is responding to the danger of terrorism domestically. These policies, principles, strategies, organizations, and programs incorporate all levels of the government, affect the personal safety of every American, and impact every aspect of the nation's political, financial, transportation, health, and legal systems. For example, we suggest that the Department of Homeland Security and its affiliated agencies assume a more authoritative role to coordinate a more coherent domestic security policy. We find that U.S. intelligence agencies must improve their capacities to share information in the hopes of formulating a more unified and potent front to combat terrorist organizations with superior intelligence analysis. Moreover, evaluate the issue of border and transportation security and immigration reform, issues that remain a contentious part of homeland security because they involve political motivations unrelated to terrorism. In the years following 9/11, the nation's unprecedented effort to improve upon domestic security has been met with many failures, critiques, bureaucratic obstacles, and has at times endangered the freedoms

of expression and privacy that are at the core of American democracy. In looking backward at our past mistakes and forward to our future potential, we provide evidence to support the creation of necessary policies, the continuation of policies that function to protect the American public, and the elimination of those that have proven ineffective.

This report addresses long-term solutions that could lessen the appeal of the kind of extremism that generates terrorism. A historical perspective shows how the U.S. could learn from its previous responses to terrorist attacks on its interests abroad. This examination reinforces the absolute preeminence of diplomatic, cooperative measures with countries in the Middle East to alleviate geopolitical grievances that are conducive to violent extremism. By studying modern examples of democratic policy reforms and structures in other countries, our own government can strive to gain more international support through similar policies.

We believe that the recommendations in this report could ameliorate U.S. efforts to fight terrorism, enhance our national security, and protect our interests abroad.

Part I

Nicola Karp, Sakurako Kato, Sena Strenge

Terrorism is not a recent phenomenon; it has long been used as a form of asymmetrical warfare. More specifically, non-state actors engage in terrorist activity in order to compel larger military powers to acquiesce to their demands. Despite the widely held view that terrorists are “senseless” or “uncivilized,” we argue that their actions are anything but irrational. While it must never be condoned, certain groups merely use terrorism as a means of expressing their grievances and furthering their political and ideological objectives. In the past several decades, the United States has been the target of terrorist threats from Islamic radical groups. Though these groups have various motivations for their actions, U.S. foreign policy and geopolitical interests in the Middle East serve as major reasons for their existence. The U.S. should constantly be mindful of this consideration when devising its counterterrorism policies.

Definition of Terrorism

The task of defining terrorism is difficult, subjective, but necessary. According to Rushworth Kidder, “Most definitions of terrorism include four elements: the method (force and violence), the perpetrator (a revolutionary or conspiratorial group), the target (governments and civilian populations), and the purpose (to coerce and intimidate for political ends).”² In this policy report, we propose a working definition of terrorism, meaning that most terrorist acts fit this definition. Please note, however, that this definition, obtained from the U.S. State Department’s *Patterns of Global Terrorism* (2004), is not static or permanent, but functions for the purposes of this report: “The term terrorism means premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.”³ We choose to modify the last phrase to “usually intended to have a psychological impact on a broad audience.” This change reflects our emphasis on the fact that terrorist acts aim to instill fear in the target population. As Alan B. Krueger writes, “the goal of terrorism is to spread fear. The immediate victims are not as important as the broader message sent to the public.”⁴

The State Department amended the *Patterns* report definition by specifying that the term “noncombatant” includes, in addition to civilians, military personnel who at the time of an incident are unarmed or are not on duty. As Krueger explains, “The [U.S.] government also considers terrorism to include attacks on military installations or on armed military personnel when a state of military hostilities does not exist at the particular site.”⁵ Furthermore, the State Department regards international terrorism as terrorism that involves citizens or the territory of more than one country.

² Rushworth Kidder. “Acts of Terror?” *Christian Science Monitor*, May 13, 1986 (accessed February 10th, 2009); available from <http://www.csmonitor.com/1986/0513/zterr1d.html>.

³ United States Department of State. *Patterns of Global Terrorism 2003*, April 2004 (accessed January 13, 2009); available from <http://www.state.gov/documents/organization/31932.pdf>.

⁴ Alan B Krueger, *What Makes a Terrorist: Economics and the Roots of Terrorism* (Princeton: Princeton University Press, 2007), 14-15.

⁵ *Ibid.*, 54-55.

We too adopt these specifications for our definition of terrorism.

The term terrorism is difficult to define. For example, various definitions exist within the U.S. government, which will be discussed below, not to mention even greater differences amongst definitions from other countries and organizations.

To understand the difficulties involved in defining this term, one has to look no further than the various definitions that exist within the U.S. government. These departmental definitions, and their differences, shed light on the contested nature of the term. The FBI defines terrorism as “the unlawful use of force or violence against persons or property to intimidate or coerce a Government, the civilian population, or any segment thereof, in furtherance of political or social objectives.”⁶ The U.S. Department of Defense’s *Dictionary of Military Terms* defines terrorism as “the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.”⁷ Our definition simply considers the violence as “politically motivated,” while the FBI specifies that the violence promotes “political or social objectives,” while the Department of Defense further specifies that terrorist aims are “generally political, religious, or ideological.”

Some scholars, such as Brian Michael Jenkins, argue that “terrorism must be defined according to the quality of the act itself, not the identity of the perpetrators or the nature of their cause.”⁸ Though Jenkins has a point, the U.S. government has valid reasons for specifying that terrorists have a certain agenda. We regard terrorism as being “politically motivated,” which serves to narrow who exactly is a terrorist. For current terrorist threats this specification is reasonable

⁶ FBI “Terrorism 2000/2001,” (accessed February 17, 2009), available from http://www.fbi.gov/publications/terror/terror2000_2001.htm.

⁷ United States Department of Defense. *Dictionary of Military Terms*. 2004 (accessed February 16, 2009); available from <http://www.asafm.army.mil/pubs/jp1-02/jp1-02.pdf>.

⁸ Brian Michael Jenkins, “Where I draw the line,” *Christian Science Monitor*, 2002 (accessed February 1, 2009); available from <http://www.csmonitor.com/specials/terrorism/frameset.html>.

considering that the most threatening attacks have come from groups such as al-Qaeda who have stated political aims.

The term terrorism carries strong negative connotations, and is often used as a political label by governments to insinuate that the perpetrators are uncivilized, immoral, unjustified, and such. No one wants to be labeled a terrorist, thus actors whose actions have been labeled as terrorist use expressions such as freedom fighters, rebels, vigilantes, liberators or other terms with relatively positive connotations to describe themselves. Guerilla warfare lacks the pejorative connotations of terrorism, and at times terrorist tactics have been labeled urban guerilla warfare by certain Western media outlets. Terrorism is a tactic, and this tactic has been used by groups labeled “terrorist” as well as by guerilla movements, and states. This report focuses on attacks that fit our definition of terrorism and that pose a threat to the U.S.

The aim of those who commit terrorism against the U.S. is not to gain control over a particular territory. This makes terrorism vastly different from other forms of warfare. Whereas guerilla struggles often aim for control of a territory, Chaliand writes that “as a strategy, terrorism remains in the domain of psychological influence and lacks the material elements of guerrilla warfare.”⁹ Terrorists tend to operate in small units and utilize homemade bombs, car bombs, and other weapons uncharacteristic of military personnel. The case of the September 11, 2001 attacks illustrates the ways in which terrorists use atypical weapons for purposes of inciting fear in the U.S. population and beyond (rather than the acquisition of territory).

⁹ Chaliand, 24-25.

Conditions that Facilitate Terrorism

Individuals might join terrorist groups because they are true believers in the political or ideological goals stated by the group, because of personal or selfish motivations, or because of the pull of group psychology. More importantly, perhaps,

It may be more useful to see terrorists as rational and intentional actors who develop deliberate strategies in order to achieve political objectives. They make their choices between different options, on the basis of the limitations and possibilities the situation offers. When applying such an actor-oriented approach we would be interested in understanding dynamic processes rather than focusing on more or less static causes.¹⁰

Instead of looking for the causes of terrorism, we prefer to examine conditions that are conducive to the emergence of terrorism, a phenomenon that is embedded in particular historical contexts. Tore Bjorgo provides the following list of possible conditions:

- *A lack of democracy, civil liberties and the rule of law* leads to domestic terrorism
- *Failed or weak states* leaves a power vacuum for terrorist groups
- *Rapid modernization* may correlate with rise in ideological terrorism but not with ethno-nationalist terrorism
- *Extremist ideologies* of secular or religious origins
- *Historical antecedents of political violence, civil wars, revolutions, dictatorships or occupation* may provide a more accepting atmosphere for political violence and terrorism
- *Hegemony and inequality of power* when local or international powers possess an overwhelming power compared to oppositional groups
- *Illegitimate or corrupt governments* frequently give rise to opposition that may turn to terrorist means
- *Powerful external actors upholding illegitimate governments* may be seen as an insurmountable obstacle to needed regime change

¹⁰ Tore Bjorgo, ed. *Root Causes of Terrorism: Myths, reality and ways forward*, (New York: Routledge, 2005), 3.

- *Repression by foreign occupation or by colonial powers*
- *The experience of discrimination on the basis of ethnic or religious origin* is the chief root cause of ethno-nationalist terrorism
- *Failure or unwillingness by the state to integrate dissident groups or emerging social classes* may lead to their alienation from the political system
- *The experience of social injustice* is a main motivating cause behind social-revolutionary terrorism
- *The presence of charismatic ideological leaders* able to transform widespread grievances and frustrations into a political agenda for violent struggle
- *Triggering events* are the direct precipitators of terrorist acts¹¹

Though a number of the abovementioned issues are worthy of further examination, we are focusing on three conditions in this report. These conditions—Islamic radicalism, demographic “youth bulge,” and U.S. hegemony—were chosen as three of the most crucial current conditions in need of explanation. We deem these conditions to be closely connected to terrorist groups that target the U.S.

Condition One: Islamic Radicalism

Terrorism is politically motivated. The U.S. State Department’s National Counterterrorism Center (NCTC) states that “politically motivated violence” is “any life threatening attack or kidnapping by any ‘Foreign Terrorist Organization’ or group previously appearing on the list of ‘Other Organizations of Concern.’”¹² Similarly, any attack by an organization or individual against a

¹¹ Ibid., 258-260.

¹² United States State Department, National Counterterrorism Center. *2007 Report on Terrorism*. April, 2008 (accessed February 1, 2009); available from <http://wits.nctc.gov/reports/crot2007nctcannexfinal.pdf>, 7.

government or diplomatic official or a government/diplomatic building is deemed politically motivated and is therefore considered terrorism.

According to the Worldwide Incidents Tracking System (WITS) of the NCTC, approximately 14,000 terrorist attacks occurred in various countries in 2007, resulting in over 22,000 deaths. Compared to 2006, the number of attacks remained approximately the same in 2007 while deaths rose by 1,800, a 9 percent increase.¹³ As was the case in previously recorded years, the largest number of reported attacks and deaths occurred in the Near East and South Asia. The perpetrators of over 9,200 attacks (64 percent of total attacks) in 2007 could not be determined from open source information. However, of the remaining attacks, as many as 130 different sub-national groups, many of them well-known foreign terrorist organizations or clandestine agents, were connected to an attack in various ways. Of those roughly 130 sub-national groups, al-Qaeda in Iraq, more than any other group, claimed it conducted attacks with the highest casualty totals.¹⁴ For example, open source reporting alleges that Islamic extremists played an important role in a 2007 United Kingdom bombing plot that was foiled when vehicle bombs were discovered outside several night clubs, as well as a disrupted German bombing plot that targeted American interests. Furthermore examples of al-Qaeda's involvement in recent terrorist attacks include:

- Al-Qaeda in the Islamic Maghreb attacked a United Nations facility in Algeria killing over 40 people and wounding over 150.
- Perpetrators with ties to al-Qaeda may have been behind the Benazir Bhutto assassination that killed the former Pakistani prime minister along with 153 others and wounded approximately 250.¹⁵

¹³ Ibid., 9.

¹⁴ Ibid., 11.

¹⁵ Ibid.

Recent cases of terrorist attacks reveal they are often motivated by a small segment of a population's dissatisfaction with how their society is organized and those in power to run it. Such grievances are especially on the rise in the Near East. For example, terrorist attacks increased by 137 percent in Pakistan between 2006 and 2007, largely due to certain groups' disagreements with the central authorities. Although the government signed a peace agreement in September 2006 with pro-Taliban tribes in North-West Frontier Province (NWFP) and Federally Administered Tribal Areas (FATA), the region accounted for 54 percent of the total attacks.¹⁶ This escalation in terrorist activity included the FATA-based rocket and suicide improvised explosive devices and vehicular bombing attacks against police, military, and civilian targets countrywide. These incidents should be considered against the backdrop of Pakistan's changing social and political environment; in other words, the actions of terrorists in Pakistan and elsewhere grounded in evolving historical contexts. By looking at terrorism in this light, we can, for the purpose of policymaking, analyze one of the correlating conditions for contemporary terrorism: Islamic radicalism.

Radicalism can be defined as an ideology that aims to change a fundamental aspect(s) of society. Today, the terms radicalism and fundamentalism are used interchangeably and most often taken to describe religious trends such as increased religiosity and increased identification with a favored religion. We will further discuss this notion of fundamentalism when we get to the manipulation of Islam to adhere to radical notions of sharia law, the politicization of Islam, and its increasingly favored use in global jihad.

The Muslim world includes 57 Muslim-majority countries spanning Asia and Africa, which house about 1.5 billion believers, making Islam the second-largest faith after Christianity.¹⁷ The spread of Islam in the Western societies of Europe, America, and Australia is a relatively recent

¹⁶ Ibid., 17.

¹⁷ Raphael Israeli, "The New Demographic Balance in Europe and its Consequences," March, 2007 (accessed January 25, 2009); available from <http://jcpa.org/JCPA/Templates/ShowPage.asp?DBID=1&TMID=111&LNGID=1&FID=379&PID=0&IID=1509>.

phenomenon, and as its numbers increase, either via immigration (legal or illegal) or by natural growth, the awakening of a Muslim identity discourages integration within Western societies and gives rise to a variety of social, political, and economic problems. Some Muslim minority communities in Europe have imported their deeply rooted ethnic, political, and religious conflicts into their host countries. For instance, anti-Semitism in certain areas has become more prevalent, and certain Jewish communities have been subjected to violence by Muslim immigrants.¹⁸

In 2007, U.S. federal court documents that were accepted into evidence during the trial of the Texas-based Holy Land Foundation for Relief and Development (HLF) revealed details about the Muslim Brotherhood's (discussed later in further detail) global mission to create a unified Muslim state. A sixteen-page Arabic document discloses an inside look at the Muslim Brotherhood's role in recruitment, organization, ideology, and the development of the organization in different phases in the United States¹⁹. It states "the Ikhwan (the Muslim Brothers or the Group) must understand that their work in America is a kind of grand Jihad in eliminating and destroying Western civilization from within and 'sabotaging' its miserable house by their hands and the hands of the believers so that it is eliminated and God's religion is made victorious over all other religions."²⁰ This example provides evidence that Islamic radicalism is a prominent threat to the United States as well as to the world. Thus, when formulating U.S. policy toward global terrorism, Islamic radicalism must be considered as one of the conditions that are conducive to the development of this problem.

In order to discuss Islamic radicalism, we must first distinguish the difference between the basic theological doctrine of Islam and today's radicalization of Islam. "Islamism refers not to a

¹⁸ Ibid.

¹⁹ Douglas Farah and Ron Sandee, "The Ikhwan in North America: A Short History".
<http://www.nefafoundation.org/miscellaneous/nefahlf0807.pdf>.

²⁰ Lt. Col. (res.) Jonathan Dahoah-Halevi, "The Muslim Brotherhood: A Moderate Islamic Alternative to al-Qaeda or a Partner in Global Jihad?" November, 2007 (accessed January 25, 2009); available from
http://jcpa.org/JCPA/Templates/ShowPage.asp?DRIT=2&DBID=1&LNGID=1&TMID=111&FID=379&PID=1859&IID=1920&TTL=The_Muslim_Brotherhood:_A_Moderate_Islamic_Alternative_to_al-Qaeda_or_a_Partner_in_Global_Jihad?

theological doctrine but to the political use of Islam,” and must be distinguished from Islamic theology and even more, fundamentalism.²¹ Fundamentalism advocates the return to the founding texts of Islam; this fundamentalism only becomes Islamism when its ideology is used to impose a strictly interpreted model of original Islam based on “sharia,” or Islamic law, on society and the state. Islamism then, is described by Philippe Migaux, as a movement toward the use of Islamic theology to “reform the institutional structure and socio-cultural environment of a geopolitical grouping,” something the Taliban did in Afghanistan when they came to power after the end of the Soviet occupation of the country.²²

However, we should distinguish between Islamism and “militant Islamism” or what we, in our policy proposal will refer to as Islamic radicalism. Islamic radicalism is a term used when Islamist movements resort to violence to achieve their goals of creating a unified Muslim state. Within this militant Islamic movement, we will focus on the “mujahideen,” which “places greater emphasis on individual action on the part of its followers, however, in the context of what is to them a holy undertaking.”²³

The mujahideen movement is part of a radical faction of the multifaceted Islamist ideology—the most notorious and internationally focused one being al-Qaeda.²⁴ The main difference between the mujahideen movement and other Islamists is the group’s commitment to the violent overthrow of the existing international system and its replacement by an all-encompassing Islamic state.²⁵ In order to justify their resort to such extreme violence, members of the mujahideen define “jihad,” a term that in its original text means an internal struggle to please God as well as an external battle to open countries to the call of Islam, to have a narrower meaning. They alter this religious

²¹ Philippe Migaux, “The Roots of Islamic Radicalism”, in *The History of Terrorism: From Antiquity to Al Qaeda*, ed. Gerard Chaliand and Arnaud Blin (Berkeley and Los Angeles, California: The Regents of the University of California, 2007), 259.

²² Ibid.

²³ Ibid.

²⁴ Mary Habeck, *Knowing the Enemy: Jihadist Ideology and the War on Terror*, (New Haven: Yale University Press, 2006), 4.

²⁵ Ibid.

“jihad” into an external fight against non-believers, fighting alone—using tactics such as suicide bombings, kidnappings, and executions of non-Muslims as well as their own people if necessary to incite a broader audience.²⁶ Because they identify the U.S. as one of their main enemies, analyzing the mujahideen could help us better understand contemporary terrorist threats against the United States.

Religious Roots

It is difficult to understand the mujahideen movement’s motivations without understanding its religious roots. Members believe that the destruction of the current world order is “the necessary first step to create an Islamic utopia on earth.”²⁷ Their reasoning is intertwined loosely with both historical fact and traditional religious interpretation.

Islam, meaning surrender to God, is based on the absolute respect by the “umma”—the community of believers—for the “sunna”—meaning the tradition. This Islamic tradition consists of two series of sacred texts, the Qur’an, whose 114 “suras” contain all the divine teachings transmitted to Muhammad by the Archangel Gabriel, and the “hadith,” the reported sayings and acts of the prophet Muhammad. This body of theology then became the subject of interpretations that were declared infallible, which created the juridical model based on sharia, or Qur’anic law. Centuries ago, special dispensations were accorded to those who were in a position to spread Islam (soldiers, tradesmen, and seamen) but these dispensations however, were used by the jihadist movement, in the context of struggle against infidels, to justify actions traditionally forbidden by the “sunna.”

Greater jihad is considered the spiritual work that every Muslim must do individually in order to abide by the rules of Islam. It is an ongoing duty for Muslims to keep their religious faith alive and act as true believers. There is another duty compelled upon all Muslims called the lesser jihad, the duty for all Muslims to defend, by all means at their disposal, their religion when it is under

²⁶ Ibid., 5.

²⁷ Ibid., 7.

attack.²⁸ Those in power within various radical Islamic groups, in order to justify the radical movement toward destroying the current world order and its non-believers, have manipulated the notion of lesser jihad through successive interpretations. Thus, it is important for us to look at the lesser jihad, because it is this doctrine that evolved in the 1960s into the international jihadist movement. Based on its successive interpretations, the lesser jihad has become the incessant call by the mujahideen movement for the Muslim population to fight for Islam.

The Muslim Brotherhood

One of the first Islamic-based organizations that turned to fundamentalism and created the organizational groundwork for the politicization of Islam was The Muslim Brotherhood. In March 1928, Hassan al-Banna founded the Muslim Brotherhood in Colonial Egypt with a mission of “doing good and stamping out evil.”²⁹ The Brotherhood attempted to reintroduce the affirmations of Islam to the Muslim community at a time when Egyptian society was under considerable European influence. Its members believed that the “obvious and only solution to [their] woes [was] to find a way back to the true path” of Islam, the unification of their lives with the one and only God.³⁰ Twenty years later, the movement had nearly 2 million followers and had spread throughout the Muslim world. Led by al-Banna, and fueled by their resentment of the Western colonization of Egypt and other parts of the Middle East, the Brotherhood argued that Western domination and a distancing from Islam were responsible for the Muslim community’s problems. The Brotherhood advocated comprehensive social reform aimed at bringing about social justice, and rejected any form of nationalist ideology—considered a Western concept—and called for the revitalization of the “umma.” The followers believed that Islam governed every part of their lives; they sought refuge in the idea that they had “God’s permission to defend themselves against their injustices,” and began to

²⁸ Migaux, 265.

²⁹ Ibid., 274.

³⁰ James W. Roberts, “Political Violence and Terrorism in Islamdom”, in *Democratic Development and Political Terrorism*, ed. William Crotty, (Boston: Northeastern University Press), 108.

arm themselves under a “secret organization” led by Salah Ashmawi that rapidly grew into a full-fledged armed entity.³¹ Even though Al-Banna was assassinated on February 12, 1949, shortly after his organization was dismantled within Egypt and almost 4,000 of its members arrested, the Brotherhood had laid the organizational as well as the ideological groundwork for later mujahideen movements and continued as an underground network of Islamic radicals.

Sayyid Qutb

A prominent figure in radical Islam, Sayyid Qutb (1906-1966), believed that a resort to violence could be a religious obligation in the fight against a political leadership that had lost its Muslim roots. Qutb further developed the theory of punishing and challenging those in power (i.e. those who ruled over a Muslim state), further distinguishing Islamists from radicals by labeling governing authorities as unbelievers.

At a time when many Muslims felt oppressed by their political leadership and there was growing discontent in the Muslim world about growing secularization, Qutb’s words seemed the likely ideology to lead them away from the Muslim modernization movement under colonial rule and Western principles. Although Qutb was hanged in 1966, accused of having conspired against Egypt and his words condemned as being heretical by the renewed Muslim Brotherhood (which needed to maintain its legitimacy as a non-violent group), his words created two main offshoots of the Brotherhood: one calls for conversion through religious appeals and nonviolence (fundamentalist) and the other that calls for radical direct involvement in political violence (jihadist). Qutb laid the foundation for the extreme belief jihad was a cardinal Islamic obligation, that it had to be offensive in nature, and that it applied also to Muslims whose misconduct was “tantamount to apostasy,” which is punishable by death.³²

Jihad and Terrorism

³¹ Migaux, 275.

³² Ibid, 286.

With the groundwork laid by Qutb, the Muslim Brotherhood, and past Islamist theories, jihad and the mujahideen movement by the 1970s was a full-blown force to be reckoned with throughout the Middle East. Al-Jihad, the most hard-line jihadist group was founded by Abd al-Salam Faraj, from Egypt, as he put his theories that jihad was the sixth pillar of Islam into action. Fara argued that both the Qur'an and the hadith essentially dealt with warfare in the service of God and in opposition to evil. In his writings, Muslims are called upon to be soldiers for Islam that would be willing to use any means available in order to achieve their righteous goals³³ He thus elevated the duty of armed revolt "against an infidel political leadership to the level of a standing religious obligation."³⁴ Al-Jihad, as well as its many predecessors and successors, organized political protests and committed various acts of political violence, most notably in the assassination of the Egyptian President Anwar Sadat.

The "Bureau of Services for Arab Mujahideen" or Maktab al-Khidmat ul-Mujahideen ul-Arab (MUKUB) is a more recent example of a jihadist group. MUKUB was created in 1984 by 'Abdallah 'Azzam in order to manage the substantial amount of funding, volunteers, and combat training that was needed to fight the Soviet invasion of Afghanistan in 1979. 'Azzam's organization used the Arab-language magazine *Al-Jihad*, to perpetuate propaganda for MUKUB and spread the idea that "mujahideen combat in Afghanistan was an individual obligation for all Muslims...jihad is a lifelong obligation."³⁵ The MUKUB recruited fighters from around the world who "felt that they were sloughing off their nationalities and forming a new community of holy warriors, like the Prophet's companion. No longer were they Saudis, Egyptians, or Algerians; they were Salafist mujahideen."³⁶ This sense of unity became a common feature in future international jihad groups after the MUKUB was disbanded. These fighters, however, gained a sense of confidence after the

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid., 294.

³⁶ Ibid., 296.

Soviets withdrew from Afghanistan; claiming victory, they adopted the belief that they had a mission to retrieve all the lost lands of Islam that had fallen to the infidel.

AQIM and al-Qaeda

Another example of the growing global threat of jihad and terrorism is the announcement in September 2006, of the “blessed union” between al-Qaeda and the Salafist Group for Preaching and Combat (GSPC) that came to be known as al-Qaeda in the Lands of the Islamic Maghreb (AQIM). AQIM is an Algerian-based Sunni jihadist group which, after its formal alliance with al-Qaeda, expanded its goals of overthrowing the Algerian government and establishing an Islamic caliphate³⁷ to launching attacks on Western targets. With this renewed mission against the West, members of AQIM have been behind several improvised explosive devices (IED) assaults against convoys of foreign nationals working in the Algerian energy sector. In December 2007, AQIM attacked United Nations offices in Algiers with a car bomb and in February 2008 it attacked the Israeli Embassy in Nouakchot, Mauritania with small arms.³⁸ Although AQIM mainly employs conventional tactics including guerilla-style ambushes and mortar, rocket, and IED attacks, in May 2007, AQIM leader, Abdelmalek Droukdal announced that suicide bombings will become the group’s main tactic.³⁹

Implications

Radical Islamic activity has taken root inside the United States. The current federal court case, *United States of America v. Holy Land Foundation for Relief and Development et al.* in Texas, which was mentioned earlier in this report, sheds light on some of the Muslim Brotherhood’s U.S. operations. The case file contains Muslim Brotherhood documents from the 1980s and early 1990s. In an internal memorandum written in 1991 by a senior Brotherhood leader titled, “On the General Strategic Goal for the Group in North America,” it is revealed that:

³⁷ United States State Department, National Counterterrorism Center 2009 Calendar “Al-Qaida in the Lands of the Islamic Maghreb (AQIM)” (accessed February 3, 2009); available from <http://www.nctc.gov/site/groups/aqim.html>.

³⁸ Ibid.

³⁹ Ibid.

- The Brotherhood established a highly structured organization with many different faces inside the United States while deliberately and continually seeking to hide the Brotherhood's links to its front groups.
- The agenda carried out by these groups in the United States were not necessarily true to the publicly proclaimed goals of the organizations, such as promoting civil rights protection for Muslims. Rather, the goal had been to destroy the United States from the inside and work for the establishment of a global Islamic society.
- The primary function of the Brotherhood structures, from the early 1990s forward, was to support materially and politically, the Hamas movement in the Palestinian territories, as instructed by the office of the Muslim Brotherhood in Cairo.⁴⁰

This example of how deeply rooted the Muslim Brotherhood is within the United States offers insight into how difficult the “war on terror” waged by former President George W. Bush is on a domestic and international level.

Condition Two: A Demographic “Youth Bulge”

Another condition that is conducive to terrorism is the presence of a demographic “youth bulge” in a particular region. A “youth bulge” is defined as a disproportionately large, between 30 and 40 percent, concentration of a country's population in the 15-to-29 year-old age group; this phenomenon is present in most of the world's modern terrorism “hotspots” including Afghanistan, Pakistan, and Iraq.⁴¹ In many countries, such as Pakistan, this phenomenon has existed since the mid-twentieth century and it is expected to last until at least 2020.

History

⁴⁰ Farah and Sandee, 1-2.

⁴¹ Helgerson, John L. “The National Security Implications for Global Demographic Change” *National Intelligence Council*, April 30th, 2002. Accessed February 20th, 2009. http://www.dni.gov/nic/speeches_demochange.html.

The “youth bulge” phenomenon has fueled violence and warfare for much of recorded history. From Europe’s medieval wars up until World War II, an excess population of young surplus males, meaning those who are not firstborns, tends to facilitate conflict and violence. While humanity’s birth rate has slowed in recent years, the population continues to annually increase at a significant percentage. Additionally, one billion people live in countries that are expected to *double* their populations in less than 35 years.⁴² Though in Pakistan, for example, the total fertility rate (TFR) has dropped from 6.28 in 1950 to 5.08 in 2005, the population has increased fourfold from 36 million to 157 million.⁴³ Gunnar Heinsohn argues that,

In such ‘youth bulge’ countries, young men tend to eliminate each other or get killed in aggressive wars until a balance is reached between their ambitions and the number of acceptable positions available in their society. In Arab nations such as Lebanon (150,000 dead in the civil war between 1975 and 1990) or Algeria (200,000 dead in the Islamists' war against their own people between 1999 and 2006), the slaughter abated only when the fertility rates in these countries fell from seven children per woman to fewer than two. The warring stopped because no more warriors were being born.⁴⁴

Just as in the past, we are now experiencing a global “youth bulge” that is threatening to erupt in violence, as shown by unsustainable TFR in developing countries that also exhibit other conditions for terrorism. This population and demographic situation, along with rising Islamic radicalism and a host of political, social, and economic factors, create an environment that fosters the development of terrorism.

In many of the countries that exhibit “youth bulges,” there is a prevalence of political violence and, increasingly, terrorism. Iran has come to fulfill many of the predictions for the effects

⁴²Elizabeth Leahy with Robert Engelman, Carolyn Gibb Vogel, Sarah Haddock And Tod Preston, “The Shape of Things to Come - Why Age Structure Matters To A Safer, More Equitable World,” *Population Action International*, April 11th, 2007 (accessed February 20, 2009); Chapter 1 available from http://www.populationaction.org/Publications/Reports/The_Shape_of_Things_to_Come/Summary.shtml.

⁴³ Pakistan: Total Population, (accessed February 20, 2009); available from http://globalis.gvu.unu.edu/indicator_detail.cfm?Country=PK&IndicatorID=132#row.

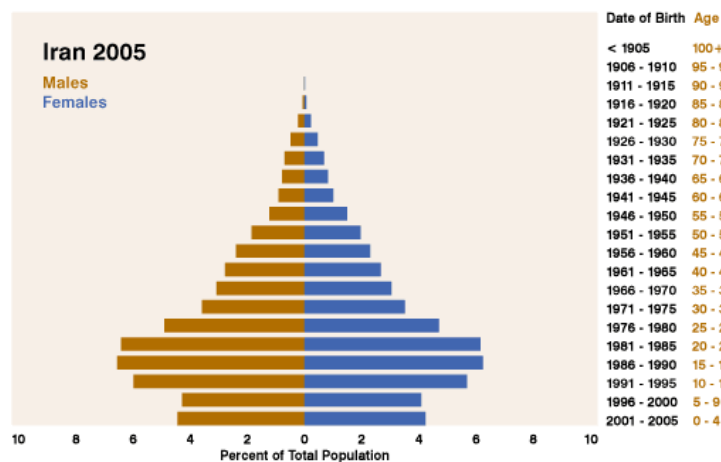
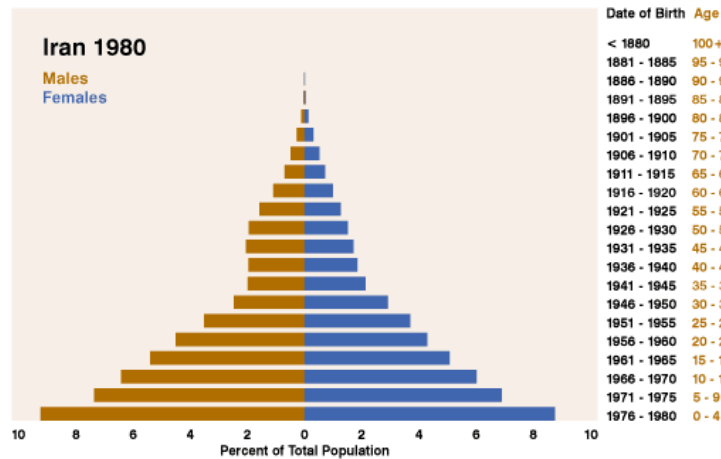
⁴⁴ Gunnar Heinsohn, “Ending the West’s Proxy War Against Israel,” *Wall Street Journal*, (accessed January 20, 2009); available from http://online.wsj.com/article/SB123171179743471961.html#articleTabs_comments%26articleTabs%3Darticle.

of the bulge. For example, Iran's demographic distribution was already very unbalanced in 1980 and was dominated by the 70% of the population under 30 years-old. During this time period, Iran saw great political and social upheaval that was largely orchestrated by its youth. This demographic phenomenon contrasts with the graph for 2005, in which TFR greatly declined from 6.6 to 2.1 and resulted in a much healthier population allocation.⁴⁵ While the "youth bulge" in Iran was not a direct cause of the Iranian Revolution, it was significant in creating large groups of disaffected youth without access to the job market who then engaged in political violence.

Figure 1⁴⁶

⁴⁵ Leahy, Chapter 1.

⁴⁶ Ibid.



Conflict and terrorism-prone regions tend to have large numbers of young people and a lack of social and economic opportunities. Yet contrary to popular belief, “it is a profound and repeated finding that the mere facts of poverty and inequality or even increases in these conditions”⁴⁷ do not necessarily facilitate terrorist activity. For example, “today, three or four Pakistani boys compete for one place in society, or for the property left by their father. Angry, frustrated young men are easily recruited into radical groups and terror organizations.”⁴⁸ Therefore, it is not simply the poor or uneducated that turn to terrorism but rather educated, middle-class individuals who are frustrated with their inability to support themselves or attain the lifestyle of their parents. A portion of the

⁴⁷Jack A. Goldstone, "Population and Security: How Demographic Change Can Lead to Violent Conflict," *Journal of International Affairs* 56, no. 1 (Fall 2002): 8.

⁴⁸Gunnar Heinsohn, "Battle of the Youth Bulge," *The Weekly Standard*, November 29th, 2007.

disaffected youth population consequently has the potential to turn to extremism in order to express its grievances.

A specific set of demographic factors is necessary for the “youth bulge” effect to be transmuted into terrorism. Specifically,

- A rapid growth in the labor force in slow-growing economies
- A rapid increase in educated youth aspiring to elite positions when such positions are scarce
- Unequal population growth rates between different ethnic groups
- Urbanization that exceeds employment growth and migrations that change the local balance among major ethnic groups⁴⁹

As these factors amplify the primary effect of the “youth bulge,” they also increase the probability for violence and terrorism. The absence of terrorism and home-grown terrorists in a country with a “youth bulge” may be due to a lack of additional conditions to make the cause attractive enough to youth. Additionally, it is often difficult to distinguish between civil wars and civil wars that include acts of terrorism by non-state militias or foreign groups (for example in the Lebanese conflicts, by Kurds in the Middle East).

There has been a significant “youth bulge” in the past several decades and some estimate that “more than half the world’s countries remain too young for comfort.”⁵⁰ Nonetheless, an additional 70 countries display the advanced demographic transition that post-dates a bulge; this suggests that there could be a decrease in the likelihood of terrorism stemming from these areas.⁵¹ The “youth bulge” thus has the potential to disappear naturally from certain populations. For example, if there is a demographic transition from large families to small families within twenty years

⁴⁹ Goldstone, 5.

⁵⁰ Ibid, 81.

⁵¹ Ibid, 81.

of the bulge's appearance in a population, the "youth bulge" will "mature."⁵² However, it will continue to be important to monitor global TFR and to track large increases as they may be a precursor to yet another "youth bulge."

Condition Three: U.S. Hegemony

Why is the United States a terrorist target? Most acts of terrorism are not aimed directly at the U.S.; in fact the majority of attacks occur within foreign countries; India has the highest incident rate of attacks, while the West Bank and Gaza Strip have the highest ratio of attacks in relation to population size.⁵³ In order for this report to provide recommendations for U.S. counterterrorism policy, however, it will focus on terrorism that has the potential to harm the United States or its interests around the world.

To begin with, the current threats we face must be understood as products of recent history. The collapse of the Soviet Union left the U.S. as the world's sole superpower, enabling the Western world-view, embodied in U.S. foreign policy, to dominate numerous aspects of international affairs. Does this dominance explain why the one at the top is the most hated? Is the U.S. perceived as a gleaming target?

Terrorists choose targets to get their points across, and it helps that the U.S. is a responsive, interactive target. Yet retaliation on the part of the U.S. does little to lessen the threat of terrorism.⁵⁴ For example, in retaliation for the April 5, 1986 bombing of a nightclub in West Berlin that killed three and wounded over 200 (including American servicemen), the Reagan administration authorized direct military strikes on Libya which killed 37 and wounded 100. Andrew Silke writes that subsequent studies

⁵² Richard P. Cincotta, "How Democracies Grow Up," *Foreign Policy* (March 2008): 80-82.

⁵³ Krueger, 71.

⁵⁴ Andrew Silke, "Fire of Iolous: The role of state countermeasures in causing terrorism and what needs to be done," in Bjorgo, 248.

uncovered that the retaliatory strike led to a significant short-term increase in terrorism directed against the U.S.A and its close ally the UK. Libya, far from being cowed into submission, actually increased its commitment to terrorism and started to sponsor even more acts of terrorism than before. In the four years prior to the strikes, Libyan-supported terrorism killed 136 people. In the four years after the strikes, Libyan terrorism left 599 people dead.⁵⁵

Hence, the U.S. policy of responding aggressively to terrorism probably does more to encourage acts of retaliation from terrorists than it does to prevent them.

Terrorist organizations do not expect to bring down the U.S.; it is precisely their inability to wage conventional warfare that has led them to pursue this tactic. It is worth noting that most terrorist groups fail to gain momentum, however; only a few pose a serious threat to the U.S. Such groups, notably al-Qaeda, use their dissatisfaction with U.S. hegemony to legitimize their existence and garner support for their cause. One of al-Qaeda's goals is to rid Arab nations of American influence, particularly the presence of the U.S. military. The spread of American companies, goods, and culture is also seen as a negative development.

The international media, particularly through online and television outlets, has played a key role in spreading information about terrorist organizations. According to the State Department's report *Country Reports on Terrorism 2006*, al-Qaeda is adept at utilizing media for propaganda, especially as their operational capabilities have been disrupted. Members of the organization "exploit and interpret the actions of numerous local, pseudo-independent actors, using them to mobilize supporters and sympathizers, intimidate opponents and influence international opinion. Terrorists consider information operations to be a principal part of their effort."⁵⁶ The report continues, "[al-Qaeda's] current approach focuses on propaganda warfare – using a combination of terrorist attacks, insurgency, media broadcasts, Internet-based propaganda, and subversion to undermine confidence and unity in Western populations and generate the false perception of a powerful worldwide

⁵⁵ Ibid.

⁵⁶United States Department of State. *Country Reports on Terrorism, 2007*. Publication 9705. (Accessed January 20, 2009); available from <http://www.state.gov/documents/organization/83383.pdf>.

movement.” As John Horgan writes, “the reality of terrorism in today’s world is that political movements that use terrorism skillfully manipulate events, and their media coverage, to create for their existing or potential audiences deliberate and often sophisticated impressions and interpretations serving their own particular purposes.”⁵⁷

Terrorist groups have also used the media to amplify the psychological impact of their attacks on the targeted populations. Many Americans watched as the first World Trade Center tower in New York City stood smoking, and as more and more tuned in to watch, the second tower was hit. Yet attacks are only the most visible exercise of power – the real power lies within the ability of terrorist organizations to drum up support (especially monetary support) and legitimacy for their organizations. They use the media within their own communities, by way of flyers that denounce the U.S., and spread their message through newspapers, television, and the internet. Some groups make videos of suicide bombers before he or she is sent off to fulfill their mission; this ensures that the participant will go through with the attack, provides their family with a farewell message, and then is released to the media after the attack as propaganda. Alex P. Schmid suggests that the propaganda is especially aimed at

those who already identify positively with the terrorist group (goal: to maintain or increase their support); those who are their declared opponents (goal: to demoralize, intimidate or coerce them); uncommitted members of the local community or external audiences (goal: to impress them); the terrorists’ own organization (goal: to keep it united through planning ‘the bigger one’); rival groups (goal: to show them who is ‘number one’).⁵⁸

As Schmid continues to explain, the “fact that an act of terrorism is more than an act of violence, that it is first and foremost an act of violence-induced communication, makes the public affairs and propaganda dimension of both terrorism and counterterrorism crucial.”⁵⁹

The internet has been an important tool for those involved, or seeking to become involved,

⁵⁷ John Horgan, “The social and psychological characteristics of terrorism and terrorists” in Bjorgo, 45.

⁵⁸ Alex P. Schmid, “Prevention of Terrorism: towards a multi-pronged approach” in Bjorgo, 230.

⁵⁹ Ibid.

in terrorist activity. Over the last decade, the number of known terrorist websites has increased from roughly 100 to over 4,800.⁶⁰ Though denoting a site as “terrorist” is a subjective process, there has nevertheless been a clear rise in the number of internet sites and resources for terrorists. These sites offer training tutorials, message boards to facilitate international communication, morale-boosting videos, and fundraising links. Keeping track of terrorist online activity will certainly continue to be an important component of U.S. counterterrorism efforts.

Part II

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⁶⁰ Ben Kaplan, “Terrorists and the Internet,” *Council on Foreign Affairs*, January 8, 2009 (accessed February 2, 2009); available from <http://www.cfr.org/publication/10005/>.

he U.S. has a number of tools at its disposal when it comes to formulating foreign counterterrorism policy. Diplomacy, in particular, should be our greatest asset. For instance, the U.S. has the ability to improve the current state of its military operations in Afghanistan by fostering closer relations with Pakistan, especially since the Taliban and certain terrorist organizations have been seeking refuge and building up their forces in the mountainous regions along the Afghan-Pakistani border. Bilateral talks resulting in greater cooperation between the U.S. military and its Pakistani counterpart could increase the U.S.'s chances of establishing a stable security environment in Afghanistan. Though diplomacy is preeminent, this report notes that the U.S. could also boost the effectiveness of its overseas counterterrorism operations by strengthening the military's capacity to engage in non-conventional combat. Finally, the development of a more diverse and thus more qualified body of intelligence officers in the National Clandestine Services has the potential to bolster the U.S.'s intelligence gathering capabilities abroad.

Fighting Terrorism: the Diplomatic Front

War is a failure of diplomacy. In any examination of previous U.S. wars, especially in assessing the failures of the current "war on terror" in Iraq and Afghanistan, the U.S. should not only look at the failures of intelligence, but should also understand why it could not achieve its objectives through diplomatic means. The U.S. has the best equipped and best trained military in the

world, but the soldiers are not adequately prepared for getting involved in wars against terrorism which involve, to a great degree, dealing with native populations and engaging in nation-building. For this reason, the U.S. should prioritize diplomacy; it should be used as the first option when the U.S. needs to address certain problems and disputes with others.

Weak diplomatic strategies have harmed U.S. counterterrorism efforts as well as U.S. operations in Iraq. In the mid-1990s, for instance, the U.S. “lost an opportunity to capture a major terrorist operative because Yemeni authorities turned a blind eye as he went through the Yemen airport.”⁶¹ The fact that the Yemeni government at the time of incident had (and continues to have) a friendly relationship with the U.S. suggests that the U.S. did not fully inform the Yemenis about its counterterrorism needs. More recently, Turkey would not allow the U.S. to use its territory to move U.S. military forces to the Persian Gulf during the Iraq war. The U.S. had not talked to the Turkish government about its reservations toward the removal of Saddam Hussein from power. Talking to Turkey would not have meant that the U.S. should have sought Turkey’s permission to engage in the war; rather, the U.S. may have been able to convince the Turks that their concerns would be respected and thereby gain access to their territory for logistical purposes. Thus the U.S. should work to gain the support of its friends and allies by reaching out to them through bilateral discussions.

How should the U.S. better prepare itself for the “war on terror”? Diplomatically, the U.S. should fight terrorism on two fronts. First, the U.S. should try to improve its public image internationally. If diplomacy depends on the cooperation of others, including friendly and non-friendly countries, then the U.S. must take a hard look at its standing in the world. It is true that public opinion is not always the best predictor of government policy, but some leaders in the Muslim world and certain developing countries are under increasing pressure by the public and some

⁶¹ Walker, S. Edward, Jr. the former U.S. ambassador to Israel, Egypt, and current president of The Middle East Institute in Washington DC.

hardliners to change their position toward the U.S.. According to The Pew Global Attitudes survey, which tracks the standing of the U.S. in major countries throughout the world, favorable opinion toward the U.S. has fallen sharply in the past eight years, even among some Western countries such as Canada, Germany, and Britain. Favorable opinion has declined even more sharply elsewhere, particularly in the Muslim world. Since the ability of the U.S. to persuade other countries to support its policies depends, to some extent, on its public image abroad, the U.S. should try to bolster its standing by increasing its relations with the public in regions where anti-American sentiment has become more prevalent. When visiting such regions, U.S. officials should hold open discussions with journalists, university students, and other concerned citizens in public town hall-style meetings.

The U.S. should also show greater respect for international bodies such as the United Nations and we should also look for common ground with other states to solve common problems. For example, the U.S. shares an interest with Russia and other former Soviet republics to discourage terrorism and combat the illicit drug trade that has recently increased in Afghanistan. The U.S. also has common interests with Iranians in fighting against the Taliban and decreasing the drug trade. The Jordanians and Egyptians share an interest with the U.S. in fighting religious extremists in the Middle East.

Furthermore, the U.S. should engage in discussions with some of the groups that it currently classifies as “terrorist.” Terrorist organizations should be divided into two categories. The first category includes those groups, such as al-Qaeda, that are unavailable for direct and indirect talks; since no definite links between these groups and any government exist, dealing with the groups through their sponsors is virtually impossible. Instead, diplomatic efforts should be focused on building better relations with the countries that house these groups. A close relationship between the U.S. and the countries in which terrorist groups are hiding will make, on the one hand, intelligence

exchange easier, and, on the other, will make these countries more inclined to cooperate with U.S. counterterrorism forces.

The second category includes terrorist groups that operate in specific countries with nationalist objectives and groups that operate as proxies for other states. These include the Taliban in Afghanistan and Pakistan, the remnants of the Ba'ath Party in Iraq, the Shi'a militia, and the Sunni Salafis in Iraq, Hezbollah in Lebanon, Hamas in the Palestinian territories, and the Islamic Union Courts in Somalia. After eight years of the "war on terror," it has become apparent that the U.S. cannot simply uproot these groups through military means. Suggestions for dealing with these groups on a case by case basis are offered below:

Iraq

Despite the fact that the campaign of "shock and awe" dismantled Saddam Hussein's regime quickly and efficiently, the developments that unfolded in the aftermath of the initial invasion, including the mounting costs of the war and the geopolitical changes in the region, suggest that the intervention has not been beneficial for the U.S. so far. The U.S. must take several initial measures to foster stability in Iraq.

- As it has been suggested in the Hamilton-Baker Committee Report, to fight terrorism in Iraq and ensure internal order, the U.S. should bring in the neighboring countries together and make them part of the solution.
- The three major militia groups and some political parties in Iraq have been supported by neighboring countries. The Iranians back Shi'a militias and political parties, the Saudis, Jordanians, and the United Arab Emirates back Sunnis and Salafis, and the Syrians back what is left of Ba'ath party. The U.S. should begin to talk with the Iranians in order to bring them into the fight against terrorism in the region.

- The U.S. also should talk more seriously with the Saudis and Jordanians about their strategies and concerns in Iraq.
- Domestically, the U.S. needs to work with the Iraqi Shi'a leaders to help them work out a better deal for power-sharing with Sunnis and other factions.

Afghanistan

As most experts now believe, the security situation in Afghanistan has deteriorated. The Taliban has regained control of certain territories and the current government in Kabul has proved incapable of maintaining stability. It is the time for the U.S. to change the current course in Afghanistan.

- First of all, the U.S. should make a distinction between the Taliban and other Islamic groups. As General David Petraeus has stated, there are numerous forces that are fighting us in Afghanistan, but the Taliban deserves the most attention. Since those groups do not have any ideological problem with the U.S. like the Taliban does, the U.S. should attempt to open a channel to talk with them while further isolating the Taliban politically.
- The U.S. should also work with the Pakistanis to help them fight the Taliban more effectively. The U.S. has been giving Pakistan financial support, but it has been unable to oversee how the money is being spent. The U.S. must continue to help Pakistan under strict conditions; Pakistan should prevent terrorist groups stationed within its borders from launching attacks in Afghanistan.
- Kyrgyzstan recently canceled an important contract that had allowed the U.S. to use a Kyrgyz airbase for U.S. operations in Afghanistan. The weak nature of current U.S.-Russian relations is one of the reasons this contract was canceled.

While the U.S. should prevent such acts from happening through active diplomacy, alternative facilities in the region should be found by opening dialogues with other countries. For example, the U.S. could supply troops in Afghanistan through Iran's roads, which are safer and more developed than those we are now using in Pakistan.

Lebanon

Among the groups that the U.S. State Department has classified as "terrorist," Hezbollah is the most influential. However, Hezbollah has evolved substantially over the past decade. During the 1980s and the first half of 1990s, Hezbollah participated in many terrorist operations against American, European, and Arab targets. But since the second half of 1990s, Hezbollah has become a strong militia group in Lebanon that participates in political activities and plays an important role in the Lebanese government. Hezbollah has also limited its military actions to include only Israeli targets (mainly Israeli military units). As some experts have argued, Hezbollah "operates openly on the battlefield, seizes and holds territory, and exerts sovereignty over civilian population. In other words, Hezbollah fits the definition of a guerrilla force."⁶²

- Due to Hezbollah's shift in its terrorist activities, its participation in the government, its broad social base, and its willingness to talk to Israel about bilateral agreements,⁶³ we believe that the U.S. should open a dialogue with this group through back channels while keeping the group on the State Department terrorist list for the time being.

⁶² Robert Bear. *The Devil We Know*. (New York: Crown Publishers, 2008), 78.

⁶³ Augustus Richard Norton, *Hezbollah: A Short History* (Princeton, New Jersey: Princeton University Press, 2007).

- At the same time, the U.S. can influence the group's future endeavors through negotiations with the Iranians and the Syrians. More importantly, if the U.S. pays attention to Shi'a grievances in the current Lebanese political system, Hezbollah may be willing to change its behavior.

Palestinian Territories

The U.S. did not actively participate in the Israeli-Palestinian peace talks for almost seven years only to return to the discussion in the last year of President George W. Bush's second term in office. During those seven years, the peace process deteriorated significantly. Despite that the death of Yasser Arafat, who had been a major obstacle to negotiations, created an opportunity for the U.S. to make headway in the peace process, the White House did not take advantage of the situation because it was more focused on the war in Iraq. However, the combination of the separation of power between Palestinians (i.e. between the West Bank and the Gaza), the current standoff between Hamas and the Palestinian Authority, and the current war in Gaza, has hindered prospects for peace. As some observers believe, this is the most critical year ever for Palestinian-Israeli diplomacy. One observer has noted that "We're getting perilously close to closing the window on a two-state solution, because the two chief window-closers — Hamas in Gaza and the fanatical Jewish settlers in the West Bank — have been in the driver's seats. Hamas is busy making a two-state solution inconceivable, while the settlers have steadily worked to make it impossible"⁶⁴.

Regardless of what the U.S. labels Hamas, this political group now has veto power over any Palestinian peace deal. It is true that Hamas just provoked a reckless war with Israel which devastated the people of Gaza, but it "is not going away. It is well armed and, despite its suicidal behavior of late, deeply rooted. And if the Jewish settlers continue with their "natural growth" to

⁶⁴ Thomas L. Friedman, "This is Not a Test," *The New York Times*, January, 2009.

devour the West Bank, it will also be effectively off the table”⁶⁵. No Israeli government has mustered the political will to take down even the unauthorized settlements, despite promises it made to the U.S. that it would do so.

- The U.S. should put pressure on the Israelis to meet their promises to not only stop new settlements and remove the illegal ones, but also prepare to negotiate to remove the old legal settlements.
- One the other hand, the U.S. should press the Palestinian Authority and some moderate Arab states to prepare for some concessions and land swaps.
- At the same time, with Hamas having a veto power against any possible deal between the Israelis and Mahmoud Abbas, the U.S. focus “should be on creating a clear choice for Hamas for the world to see: Are you about destroying Israel or building Gaza?”⁶⁶
- The U.S. should make it clear to Israel’s right wing political parties that if they “are out to destroy Hamas, casualties will be horrific and the aftermath could be Somalia-like chaos.” Israel must “resist the blackmail of the settlers, and the rightist parties that protect them, in order to implement a two-state solution. Because without a stable two-state solution, the situation will be Israel hiding behind a high wall, defending itself from a Hamas-run failed state in Gaza, a Hezbollah-run failed state in south Lebanon, and a Fatah-run failed state in Ramallah.”⁶⁷
- The Palestinian Authority, led by Mahmoud Abbas in the West Bank, will not make any compromise with Israel as long as it fears that Hamas would denounce it as

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

traitorous. Therefore, the second task for the U.S., Israel, and the Arab states is to find a way to bring Hamas into a Palestinian national unity government.

- Without Hamas playing a part in Palestinian decision-making, any Israeli-Palestinian peace agreement will be virtually meaningless. Since bringing Hamas into a Palestinian unity government, without undermining the West Bank moderates would be difficult, the U.S. will need Saudi Arabia and Egypt to cajole and pressure Hamas into keeping the cease-fire, supporting peace talks, and giving up its rockets.
- Because Iran and Syria will be tugging Hamas the other way, we should begin to talk to Syrians and find a way to engage the Iranians in the peace process.

Somalia

Since the fall of Said Bare in 1991, Somalia has been involved in a civil war. It is currently a lawless country without a central government. After the 9/11 attacks, the U.S. started paying more attention to Somalia in order to prevent it from become a base of operations for al-Qaeda. At the time, a Transitional Federal Government (TFG), which had lost both its credibility and authority to govern, claimed power; the U.S. pressed a group of nine clan militia leaders and businessmen to form the Alliance for Restoration of Peace and Counter Terrorism in Mogadishu as a counterweight to the TFG. The group proved incapable of accomplishing any of its goals, including the capture of a small number of “high value targets” comprised of three to five foreign al-Qaeda operatives implicated in the 1998 U.S. Embassy bombings in Africa.

The Alliance also became involved in a conflict with an Islamic group called the Islamic Union Courts (ICU). The Courts won almost every battle and proved to possess a better trained and equipped armed force than the group of militiamen who were part of the Alliance. Eventually, the ICU seized power in Mogadishu; for the U.S. government, this result was the exact opposite of what

it had intended when encouraging the formation of the Alliance.⁶⁸ The courts declared themselves as moderate Islamists and called on the international community for recognition and help; they received no such acknowledgment. The emergence of the ICU and the rapid defeat of the Alliance was not in itself a disaster for Somalia, however. On the contrary, while it was an embarrassing setback for the U.S., the outcome of the war appeared for many to be a welcome development which rid Mogadishu of lawlessness and armed gangs.

Meanwhile, the government of Ethiopia was alarmed at the rapid rise of the Courts. The ICU leadership included some hard-line⁷ believed to be linked to a wave of terrorist attacks inside Ethiopia in the mid-1990s. In contrast to the U.S. and Ethiopia's assessment of the ICU hierarchy and its policies, the militant elements were not in a position of power within the ICU. Nonetheless, the Ethiopians wished to remove the ICU from power and restore the TFG but the U.S. would not support them. However, the U.S. has occasionally continued to attack some terrorist targets in Somalia with missiles and as the only country which is able to lead the international community, the U.S. should change its current policy toward the ICU.

- The current U.S. counterterrorism policy in Somalia is primarily based on military operations. It is time to press for a diplomatic solution to the TFG–ICU stand-off and forge working relations with moderate Islamists. There are many reasons to believe that such an approach could result not only in the creation of a broad national-based coalition, but also in the isolation of the extremists and the warlords.
- Although the ICU leaders previously dismissed U.S. concerns about some radical elements within their group as a result of their serious misreading of the U.S. government, the more moderate leader are now more willing to cooperate. The U.S. government should not only reach out to the moderates, but should also encourage Arab countries such as Saudi Arabia

⁶⁸ Chris Tomlinson, "Somalia's Islamic Extremists Set U.S. Back," Associated Press. June 6, 2006. [Accessed via Lexis-Nexis, Jan. 27 2009].

and Egypt to work with the moderates to help them get rid of the hardliners and capture those militias responsible for terrorist attacks in the past.

- Finally, by using diplomacy, the U.S. should bring influential European and Arab countries to help rebuild Somalia's infrastructure.

Conclusion

The U.S. should use diplomatic tools more effectively and extensively to aid its counterterrorism efforts. The U.S. will not be able to fight terrorism worldwide alone. It would be very costly and without any end. Bringing together allies and other countries that share U.S. concerns about terrorism requires a sound diplomatic strategy. The U.S. must not only talk to others, but also must listen to others.

Fighting Terrorism: The Role of the Military

The United States reacted aggressively to the 9/11 attacks. Within weeks, the U.S. sent troops to Afghanistan to find Osama bin Laden and bring about an end to the Taliban regime. Within two years, the U.S. sent nearly 150,000 troops to Iraq to remove Saddam Hussein and his Ba'ath party from power. Despite the considerable resources that the U.S. has directed toward

fighting terrorism, however, this phenomenon continues to pose a major threat to the U.S. and its friends and allies. What can be deduced from the past eight years of the U.S. “war on terror” is that military power may not be an effective means of fighting terrorism. While the military has an important role to play in certain situations, especially since the U.S. is currently engaged in two major operations in Iraq and Afghanistan, that role should be minimal until other methods of combating terrorism have been exhausted.

The following section of this report will be organized as follows: (1) Iraq and Afghanistan will be examined (2) the small-scale interventions discussion will deal with previous terrorist attacks and retaliatory responses, (3) the conventional and unconventional warfare discussion will outline the means by which the U.S. military could evolve into a force that emphasizes non-conventional warfare to combat terrorism, (4) the pressing situation in Pakistan will be discussed in its own section, and (5) the conclusion.

While the U.S. is currently engaged in wars in Iraq and Afghanistan, we strongly suggest that any subsequent, large-scale military actions against countries known to be involved in terrorism or harboring terrorists be used only as a last resort. Major military incursions are not an appropriate means of combating terrorism and they could wind up exacerbating terrorist activity. With these suggestions in mind, the following subsections will be devoted to a comparison of the successful and unsuccessful elements of recent large-scale military operations and our recommendations for future operations, should the unlikely need for them arise.

The Iraq War

Though no clear links between Iraq and al-Qaeda have been established, the 2003 invasion of Iraq was justified by the Bush Administration, in part, on the premise that Saddam Hussein’s

regime was affiliated with al-Qaeda.⁶⁹ This view, along with Iraq's alleged involvement in the 9/11 attacks⁷⁰ and the Administration's adoption of a strategy of preemption, ultimately led to the war in Iraq. Besides support from the United Kingdom and a few other nations, the invasion of Iraq was not supported by the international community and the White House did not wait to obtain approval from the United Nations or "build a coalition such as George H. W. Bush had assembled before the Gulf War."⁷¹

The U.S. military was unprepared for the unconventional tactics that were employed by the Iraqi insurgency such as the guerilla-like strikes and the presence of suicide bombers and insurgents disguised as civilians.⁷² Additionally, ineffective security measures emboldened insurgents; in the years following the 2003 invasion, violence escalated and both civilian and troop casualties greatly increased. The U.S. transfer of power to the Iraqi Interim Government in June 2004 did little to stem the bloodshed. U.S. popularity declined substantially within Iraq and more civilians were suspected of supporting and becoming a part of the insurgency. In other words, while few extremist militant groups existed during Saddam Hussein's regime, they became more prevalent after the U.S. invasion. This increase was due in part to the de-Baathification process and the disbanding of the Iraqi military which left nearly every soldier or individual who was associated with Hussein's regime unemployed and frustrated.⁷³

Even though a surge of 20,000 U.S. troops in 2007 at the behest of General David H. Petraeus alleviated these problems considerably, terrorism continues to pose a threat to the long-

⁶⁹ Kenneth Katzman, "Al Qaeda in Iraq: Assessment and Outside Links (RL32217)," U.S. Congressional Research Service, August 15, 2008. Accessed February 15, 2009. Available from The Federation of American Scientists (FAS), 3.

⁷⁰ Ibid., 5.

⁷¹ Jessamyn Conrad, *What You Should Know About Politics But Don't: A Nonpartisan Guide to the Issues* (New York: Arcade Publishing, 2008), 74.

⁷² Buzzle.com, Editorials, *Iraq Insurgency Forces Pentagon to Rethink on Ability to Fight Two Wars at Once*, July, 2005 (accessed February 25, 2009); available from <http://www.buzzle.com/editorials/7-5-2005-72680.asp>.

⁷³ Conrad, 80.

term stability of Iraq. Several dangerous groups such as al-Qaeda in Iraq (AQ-I), the Shi'a faction under the radical Muqtada al-Sadr, and various extremist Sunni groups are established within the country. According to General Petraeus, however, the surge helped to significantly damage AQ-I.⁷⁴

While the mistakes made in Iraq cannot be reversed and further U.S. military action is limited by its impending (2011 at the latest) withdrawal, there are key lessons to be learned:

- First, obtaining international approval and building a coalition before invading Iraq should have been top priorities for the U.S. and should be in the future if the need arises.
- Troop levels were drastically underestimated. By looking to past interventions such as the 1990 Persian Gulf War (in which over 500,000 troops were deployed), it should have been apparent that between 300,000 and 400,000 troops (as opposed to the 145,000 that were ultimately deployed in Iraq) were necessary to fight the war in Iraq.⁷⁵
- A strong security force should have been instated immediately. In the words of Larry Diamond, “Without some minimum level of security, people cannot engage in trade and commerce, organize to rebuild and revive their communities, or participate meaningfully in politics.”⁷⁶ Stability in Iraq would enable people to live somewhat normally and without constant fear and then fewer would be tempted to turn to insurgency and terrorism. In any future large-scale operation in which public infrastructure and basic security apparatuses are damaged, American troops should help train local law enforcement to prevent massive instability. Until local forces can confidently replace American troops, the U.S. military will be needed to perform these functions. Although the prolonged presence of a foreign

⁷⁴ Katzman, 15.

⁷⁵ Conrad, 79.

⁷⁶ Larry P. Goodson, “The Lessons of Nation-Building in Afghanistan,” *Nation-Building: Beyond Afghanistan and Iraq*, ed. Francis Fukuyama (Baltimore: The Johns Hopkins University Press, 2006), 176.

security force may be resented by some, it also may discourage crime and hostility between religious factions and enable inter-group communication. To ensure legitimacy for U.S. security forces, fostering respect and understanding through cooperation and communication with the local community is essential.

- Approximately \$61 billion was spent on the Gulf War—a war in which the United States withdrew after about one year, did not have to completely rebuild the government, and did not have to engage in nation-building. The original estimate for the war in Iraq was \$50-\$60 billion dollars.⁷⁷ Even if inflation is not taken into account, by comparing the cost of the Gulf War to the Iraq war it would have been immediately obvious that \$50-\$60 billion was a drastic underestimation of cost. Too little funding can result not only in shortages of resources needed to rebuild physical infrastructure, but also in a shortage of the body armor, weapons, and electronic equipment needed by U.S. troops to fight against the insurgency. Adequate funding is a key component of any military operation, because without it, troops would be unable to conduct their operations effectively.
- Animosity between Sunni and Shi'a Muslims was not anticipated upon planning the initial invasion, but could have been if research had been properly conducted and experts consulted. Any incursion, whether small or large, should always take into account local conflicts that may be exacerbated by military action.
- American troops were largely isolated from Iraqi civilians and their living conditions were much better. American troops had electricity and running water and when it became evident that the troops would be remaining for a longer term than anticipated, their living conditions were improved further. The Iraqis were resentful of the American troops who

⁷⁷David M. Herszenhorn, "Estimates of Iraq War Were Not Close to Ballpark," *NewYorkTimes.com*, March 19, 2008 (accessed February 15, 2009); available from http://www.nytimes.com/2008/03/19/washington/19cost.html?_r=2.

continued to be provided with benefits while the local population's living conditions worsened.⁷⁸ While it is necessary to keep troops safe and healthy, great attention should also be paid to civilian living conditions in order to promote sympathy and friendship between civilians and the U.S. military.

- For the remainder of the U.S. occupation in Iraq, which is set to completely expire at the end of 2011, all troop interactions with civilians should continue to be directed with the intention of building bonds with the Iraqis and increasing sympathy for the U.S. General Petraeus, after taking over command in Iraq, has been attempting to apply his “doctrine,” which insists that “the Army...is entering an era in which armed conflict will be protracted, ambiguous, and continuous—with the application of force becoming a lesser part of the soldier’s repertoire.”⁷⁹ Part of this new “repertoire” will include learning to interact in a culturally appropriate way with civilians. The U.S. troops, for remainder of their time spent in Iraq, should cultivate these skills.

The War in Afghanistan

In the weeks following the 9/11 attacks, the U.S. had obtained international approval to invade Afghanistan and on October 7, 2001, the U.S. and the United Kingdom, with help from the Afghan Northern Alliance, launched a military assault against the Taliban. By mid-December, 2001, the Taliban had been ousted from Kabul and all major cities in Afghanistan had come under control

⁷⁸ Conrad, 80.

⁷⁹ Andrew J. Bacevich, “The Petraeus Doctrine,” *The Atlantic.com*, October, 2008 (accessed February 25, 2009); available from <http://www.theatlantic.com/doc/200810/petraeus-doctrine>.

of the U.S. and the coalition forces.⁸⁰ The initial attack in Afghanistan was largely successful and utilized a variety of non-conventional tactics that surprised al-Qaeda and the Taliban and enabled the U.S. to push the terrorists back into the mountains bordering Pakistan. The U.S. Special Operations Forces worked closely with CIA paramilitary officers to undermine and defeat the enemy. Superior leadership and cooperation resulted in efficient and accurate enemy targeting. In Henry A. Crumpton's words,

CIA officers, and U.S. Special Forces...together created the glue that held the operation together. The CIA's paramilitary officers, with their deep knowledge of special operations and intelligence, provided the most adhesive element of this mixture.... [T]he blended glue emerged from professionalism rooted in a sense of collective mission and personal relationships built on mutual respect. The result was a war of supreme coordination between Afghan tribal allies and U.S. air power.⁸¹

While the early stages of the war were successful in driving back the Taliban and al-Qaeda, several prominent enemy leaders such as Osama bin Laden escaped capture. Additionally, although the country was secured quickly and a new government under Hamid Karzai, was instated in Kabul, political violence has been on the rise in the past couple of years. In particular, the Taliban has regained considerable power. Furthermore, the Afghan government is seen by much of the population as corrupt and has been largely unable to extend its authority beyond the areas directly surrounding Kabul.

Two operations are currently working in Afghanistan: Operation Enduring Freedom (OEF)—a solely U.S. operation—and the International Security Assistance Force (ISAF), which, as of 2006, has been under control of NATO and includes a coalition of troops from various NATO and non-NATO allied countries. ISAF has approximately 56,420 troops and OEF has about 28,000

⁸⁰Henry A. Crumpton, "Intelligence and War: Afghanistan, 2001-2002," *Transforming U.S. Intelligence*, ed. Jennifer E. Sims and Burton Gerber (Washington DC: Georgetown University Press, 2005), 162.

⁸¹ Crumpton, 164-165.

troops. The U.S. contributes 24,900 troops to ISAF.⁸² Although there is debate about whether the appropriate place to center U.S. military attention is Iraq—which received the majority of U.S. troops—or Afghanistan, the latter is probably the more pressing location. A lack of troops in Afghanistan has made stabilizing the country and defeating the Taliban insurgency quite difficult. Lack of adequate security has, according to Larry Goodson, “allowed various warlords; opium and heroin smugglers, retro- and neo-Taliban, al-Qaeda, and other Islamist militants...to return, survive, or arise to bedevil Afghanistan.”⁸³ And while U.S. forces may have worked effectively to build bonds with leaders from tribal militias, the plan of the U.S. was to limit troop interactions with civilians in order to “minimize both U.S. casualties and the abrasive effect on local sensibilities of an occupying presence.”⁸⁴

Although the U.S. has done a great deal to utilize necessary unconventional tactics to combat terrorism in Afghanistan, there are several steps the U.S. should take militarily to improve the situation in Afghanistan and create favorable conditions for the U.S., including:

- Increase troop numbers to levels requested by top commanding officials such as General David Petraeus and pressure NATO to increase force numbers in ISAF.
- Continue to train Afghan security and army forces, while working to build bonds with the national Afghan troops. The U.S. and ISAF forces should withdraw from Afghanistan as soon as possible, but not until the country is secure and Afghan forces are sufficiently trained and able to protect their country.

⁸² NATO, International Security Assistance Force, *ISAF Placemat*, February 13, 2009 (accessed February 15, 2009); available from http://www.nato.int/isaf/docu/epub/pdf/isaf_placemat.pdf.

⁸³ Goodson, 148-149.

⁸⁴ Goodson, 149.

- Work to establish relationships with civilians—use of Special Forces and CIA officers who are knowledgeable about Afghan culture and language will come of use here. An increased use of Special Forces will be discussed in greater detail below.
- Following from the previous suggestion, increased use of the Human Terrain System is recommended and will also be discussed in further detail below.
- Work alongside the CIA with civilian populations to attempt to spread pro-American sentiment, discourage extremism, and increase legitimacy of the Karzai government.
- Utilize paramilitary agents and Special Forces troops in coordination with the CIA to infiltrate and undermine terrorist organizations in Afghanistan.
- Work closely with local leaders to increase their legitimacy and to build solid relations with Afghanistan's current and future leaders.

Supporters of the wars in Iraq and Afghanistan argue that another terrorist attack against the United States has not transpired because al-Qaeda and other terrorist group members have been engaged in fighting the U.S. and coalition forces in Iraq and Afghanistan. Even if this were true, the U.S. cannot remain fighting in Afghanistan or Iraq indefinitely in order to distract terrorists from attacking the U.S. A long-term counterterrorism plan will ultimately need to replace the current operations in these areas. With this in mind, the U.S. military, once officially withdrawn, should attempt to work closely, on a small-scale, with the Afghan government and military to continue combating terrorist organizations remaining in the country. While an initial troop surge in Afghanistan is necessary to stabilize the country and help the government obtain legitimacy, small-scale, unobtrusive use of military force should be applied in place of a large-scale occupation as soon as possible.

Small-Scale Interventions

By the time the U.S. withdraws from Iraq and Afghanistan, it is likely that terrorism will remain a threat to the U.S. and its allies. The following section will discuss the justifications for using military force and the costs and benefits of responding militarily to small-scale attacks or using preemptive force to deter attacks.

There are several benefits to taking military action against a group responsible for a terrorist attack:

First, as the most dramatic possible demonstration of U.S. seriousness in fighting terrorism, a military attack may stimulate other governments to enhance their own efforts to fight it. Second, the strike may directly disrupt the operations and impair the capability of the targeted terrorist organization. Third, the implicit threat of further retaliation may deter the targeted organization from attempting additional terrorist attacks. And fourth, there may be similar deterrence of other terrorist groups or states.⁸⁵

Additional benefits of striking back include bolstering “national morale,”⁸⁶ and increasing allied support and adversarial fear by sending a message that the U.S. will not tolerate terrorism and will take action to combat it. While these are the benefits that the U.S. hopes will result from military action, there are significant costs as well, “making the net impact on U.S foreign policy uncertain.”⁸⁷

Bombings of the U.S. Embassies in Nairobi and Dar es Salaam

One major case of terrorism and retaliation came on August 7th of 1998, in which terrorist bombings against the U.S. embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, killed over two hundred people and left several thousand injured. The attacks were linked to Osama bin Laden and the U.S. responded on August 20th by bombing targets in Afghanistan and Sudan. The bombings in Afghanistan were targeted at terrorist training camps and were intended to kill Osama bin Laden. The target in Sudan was a pharmaceutical plant that was suspected (with a high degree of

⁸⁵ Paul R. Pillar, *Terrorism and U.S. Foreign Policy*, (Washington DC: Brookings Institution Press, 2001), 102.

⁸⁶ *Ibid.*, 101.

⁸⁷ *Ibid.*, 102.

certainty) of either producing chemical weapons or being involved in chemicals used to create weapons.⁸⁸

The air strikes in Afghanistan substantially damaged their targets, but those targets, according to Paul Pillar, consisted primarily of “simple housing, firing ranges, and assembly areas, with few substantial structures that could not easily be repaired or replaced” and “probably most of the people killed were trainees and instructors.” The benefits of U.S. action, however, included the possibility that the strikes pressured the UN Security Council to impose sanctions against the Taliban the following year.

While the air strikes in Afghanistan were seen by the international community as a legitimate response to the embassy bombings, the U.S. strike against al-Shifa, the pharmaceutical plant in Sudan, resulted in international controversy and damaged the reputation of the U.S.. According to Pillar, the intelligence that the U.S. gathered showed, with much certainty, that in addition to having ties to Osama bin Laden, the pharmaceutical plant was indeed engaged in some sort of activity involving chemicals used to make weapons. However, the intelligence did not say that bin Laden had any specific plans to use chemical weapons from this particular plant, and the intelligence did not suggest that bombing al-Shifa would inhibit bin Laden’s abilities to use chemical weapons to attack the U.S. in the future. The controversy came from the fact that, in addition to being involved in chemical weapons, al-Shifa was also a legitimate producer of medicines and by bombing the plant, the U.S. was seen as “using its military might to kill Muslims...[and] striking at poor dark-skinned Muslims by destroying a factory that made their medicines.”⁸⁹ Ultimately, Pillar argues, “The decision to attack al-Shifa illustrates a procedural hazard of employing the military instrument.” He continues to note that

⁸⁸ Ibid., 108.

⁸⁹ Ibid., 107.

The [U.S.] would never have struck al-Shifa in the absence of the embassy bombings and the decision to retaliate for them; the evidence about chemical weapons did not come close to justifying that kind of preemptive strike.... Retaliatory strikes in response to terrorist attacks will always be primarily message-sending exercises, rather than a physically significant crippling of terrorist capabilities. The United States should keep the message as clear and defensible as possible by limiting itself to the most credible targets.⁹⁰

Although the strike in Sudan sent a message that the U.S. would not tolerate terrorism, it did little to discourage Osama bin Laden and al-Qaeda from engaging in terrorist activities. If the U.S. intends to use military force in retaliation for a terrorist attack, the targets should be planned with meticulous care.

Conventional vs. Unconventional Warfare

While the U.S. military is certainly prepared for conventional warfare, “military doctrine and culture have historically not been well attuned to the demands of counter-insurgencies”⁹¹ The incidence of terrorism has not waned in recent years and, as the evidence present above suggests, this is partially due to the fact that the U.S. military has not developed an adequate strategy to address this problem. At the beginning of the War in Iraq, for example, the smallest bomb in the U.S. inventory was 500 lbs. As Kelly points out, dropping a 500 lb. bomb on a house in which terrorists are hiding will almost certainly kill the terrorists, but may also kill innocent civilians, destroy a large portion of a neighborhood and subsequently tarnish the image of the U.S. in the eyes of the local population.

Though recent military planning has emphasized minimizing troop casualties by keeping them at as far a distance as possible from combat (aircraft remaining above 10,000 feet, for instance), this may not produce the best strategy for combating terrorists and their unconventional methods of

⁹⁰ Ibid., 109.

⁹¹ Terrence K. Kelly, “The Just Conduct of War Against Radical Islamic Terror and Insurgencies,” in *The Price of Peace: Just War in the Twenty First Century*, ed. Charles Reed and David Ryall (Cambridge: Cambridge University Press, 2007), 208.

waging war. While the danger for U.S. soldiers could increase as a result of sending in covert ground troops instead of dropping an extremely destructive bomb, that may be a sacrifice the U.S. must make in order to successfully combat terrorism. General Petraeus argues that the use of conventional “forces” and “capabilities” in counterinsurgency operations will “almost always fail,” and contends that “[c]onducting a successful counterinsurgency campaign requires a flexible, adaptive force led by agile, well-informed, culturally astute leaders.”⁹² As the initial attack in Afghanistan and General Petraeus’ recent recommendations indicate, some non-conventional methods have started to make their way into military strategy. Non-conventional elements that should be cultivated and increased will be discussed below.

Human Terrain System

The difficulty in fostering a sense of cultural understanding between U.S. soldiers and civilians in conflict zones can be summed up in the following analogy: “Conducting military operations in a low-intensity conflict without ethnographic and cultural intelligence is like building a house without using your thumbs: it is a wasteful, clumsy, and unnecessarily slow process at best, with a high probability for frustration and failure.”⁹³ In 2005, this problem was addressed with the development of a program called the Human Terrain System (HTS). The HTS employs the use of anthropologists and other social scientists in order to enhance the “military’s ability to understand the highly complex local socio-cultural environment in the areas where [forces] are deployed,” and

⁹² David H. Petraeus and James F. Amos, “Counterinsurgency (FM 3-24, MCWP 3-33.5),” U.S. Army Publication, August 15, 2008. Accessed February 15, 2009. Available from Federation of American Scientists (FAS), Foreword.

⁹³ U.S. Army, *U.S. Army Professional Writing Collection*, “The Human Terrain System: A CORDS for the 21st Century,” October, 2006 (accessed on February 16, 2009); available from

“to assist the U.S. government in understanding foreign countries and regions prior to an engagement within that region.”⁹⁴ The “human terrain” is defined as

the population and society in the operational environment...as defined and characterized by socio-cultural, anthropologic, and ethnographic data.... Human terrain information is open-source derived, unclassified, referenced...information. It includes the situational roles, goals, relationships, and rules of behavior of an operationally relevant group or individual.⁹⁵

Human Terrain Teams (HTTs) are embedded in military brigade units; they are made up of five members, all of whom are specialists in the culture of the area in which they are stationed. Their job is to conduct ethnographic research and advise commanders on the basis on pertinent cultural data. When a commander or unit leaves an area, the HTT remains to work with the next commander or unit that comes in.

HTS has been highly controversial among some anthropologists and the American Anthropological Association (AAA) has issued an official statement condemning the program. Anthropologists worry that the military will use anthropological information to undermine its enemies, which stands in opposition to the AAA’s ethical obligation to do no harm and protect the people the anthropologists work with.⁹⁶ Though the information gathered through the HTS may be used to harm U.S. enemies in isolated instances, this should not hinder the U.S. from using anthropology and social science to create bonds with local communities to foster cross-cultural understanding, sympathy, and peace. In order to combat terrorism and lessen its appeal in the long run, mutual understanding and respect between civilian populations and the U.S. military is vital. HTS has the potential help the U.S. achieve this goal and the program should be expanded. With this in mind, any knowledge gained by HTS should *never* be used to degrade, demoralize, or

⁹⁴ *The Human Terrain System* (accessed on February 16, 2009); available from <http://humanterrainsystem.army.mil/default.htm>.

⁹⁵ “The Human Terrain System: A CORDS for the 21st Century.”

⁹⁶ Kambiz Fattahi, “U.S. Army Enlists Anthropologists,” *BBC.co.uk*, Tuesday, October 16, 2007 (accessed on February 16, 2009); available from <http://news.bbc.co.uk/2/low/americas/7042090.stm>.

humiliate enemy combatants. Commanders must emphasize this point to their troops since U.S. interests are ultimately damaged by the misuse of cross-cultural knowledge.

Special Operations Forces

Special Operations Forces (SOFs) are U.S. military forces that are involved in direct action operations, unconventional warfare, special reconnaissance, and counterterrorism. SOFs are trained extensively in language and are educated to have a thorough understanding of the sociocultural environment in which they will be deployed.⁹⁷ SOFs have been working closely alongside CIA paramilitary agents to combat terrorism in Afghanistan and fight the insurgency in Iraq. Thus, the deployment of SOFs in conflict areas should be of utmost importance.

The training process for SOFs is extremely rigorous. While it is important that the SOFs are made up of highly qualified soldiers, some elements of SOF training, particularly in unconventional warfare, language, and culture, should be applied to troops who are not of SOF caliber. A Recon Marine, who has almost completed his training and is scheduled to be deployed to Afghanistan, was asked whether or not he had received training about the customs, culture, language, etc. of the people whose country he would be traveling to. He replied,

There has been basic instruction on all of those things but it was very basic. Most of the time it is up to you to find any information on those sorts of things. If it is mission essential than we are briefed on it. It is one of the areas of my training that I wish would have been covered better. I suppose that assumption is that if you are joining the Marines in this day and age then you already know everything you need to know and you have decided to fight.⁹⁸

As of 2006, Force Recon Marines were made an official part of the U.S. Special Operations Command (SOCOM) team. Recon Marines are trained differently than SOFs, are not expected to be proficient in cultural or language skills, and are intended to interact with civilians on a minimal basis.

⁹⁷ *Army Special Forces Center - Special Forces Training* (accessed on February, 18, 2009); available from <http://www.military.com/army-special-forces/training.html>.

⁹⁸ Interview with an anonymous member of the U.S. military, conducted February 8, 2009.

However, as more SOCOM troops are deployed to places like Afghanistan in the near future and frequent interaction with tribal leaders and militias becomes a crucial component of counterterrorism operations, providing more than “basic instruction” to non-SOF troops would be very beneficial.

Pakistan

The history of Pakistan has been marked by political and economic instability. Alternate periods of civilian and military rule and continuing tension with neighboring India are primarily responsible for the current situation. Economic, political, and social conditions have been deteriorating in Pakistan for some time, but since 2007, they have worsened. President Pervez Musharraf (who took control of Pakistan after a military coup in 1999) and his regime were very unpopular; many Pakistanis regarded Musharraf's government as rampantly corrupt and ineffective.⁹⁹ After briefly instating emergency military rule in 2008, Musharraf was pressured to resign and the subsequent struggle for power turned violent; Benazir Bhutto, the former Prime Minister and opposition leader was assassinated shortly before the national elections. Bhutto's husband, Asif Ali Zardari, who took her place at the head of her Pakistan People's Party (PPP), was ultimately elected and pledged to continue the alliance between the U.S. and Pakistan that had been forged between former President Musharraf and the Bush administration.

Good relations between Pakistan and the U.S. are considered to be necessary for U.S. success in Afghanistan. After the 9/11 attacks, the Pakistani government denounced the Taliban and became a key supporter of the U.S.'s efforts to combat terrorism. When the U.S. ousted the Taliban from power, however, many members of the Taliban simply relocated to Pakistan. U.S. incursions

⁹⁹ *Country Profile: Pakistan* (accessed February 15, 2009); available from http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1157960.stm.

over the Afghanistan-Pakistan border to pursue insurgents have increased tensions between Pakistan and the U.S. and anti-American sentiment is believed to be widespread throughout Pakistan; the U.S. is seen as an obstacle to the process of democratization in the country. Recently, domestic Islamic extremism has become even more prevalent and the Pakistani army has had difficulty subduing the militancy. The Congressional Research Service notes that

[T]he loss of human life related to Islamist militancy was greater in 2007 than in the previous six years combined. The U.S. National Counterterrorism Center's most recent annual report found the incidence of terrorism in Pakistan in 2007 up by 137% over the previous year, with 1,335 terrorism-related fatalities placing the country third in the world on such a scale, after Iraq and Afghanistan. Only two suicide bombings were reported in Pakistan in all of 2002; that number grew to at least 57 in 2007. According to Pakistan's intelligence agency, Pakistan has now overtaken Iraq as site of the world's most suicide-bombing deaths.¹⁰⁰

Furthermore, "Top Islamabad government officials identify terrorism and extremism as Pakistan's most urgent problems. They vow that combating terrorism, along with addressing poverty and unemployment, will be their top priority."¹⁰¹ However, "there are numerous signs that Al Qaeda is resurgent on Pakistani territory, with anti-U.S. terrorists appearing to have benefited from what some analysts call a Pakistani policy of appeasement in western tribal areas near the Afghan border."¹⁰²

By using the Western Pakistani border as a sanctuary, al-Qaeda and the Taliban have been able to launch attacks in both Afghanistan and Pakistan and then retreat back to their hiding places. The U.S. military has been unable to take significant action within Pakistan and the Pakistani army's counterterrorism efforts have been insufficient. Most recently, a truce between the Taliban and the Pakistani government has allowed sharia law to be instated in the Delaware-sized valley of Swat, which has a population of about 1.3 million and is located 100 miles northwest of Islamabad (the

¹⁰⁰ K. Alan Kronstadt, "Pakistan-U.S. Relations (RL33498)," U.S. Congressional Research Service, November 10, 2008. Accessed February 15, 2009. Available from The Federation of American Scientists Accessed (FAS), 6.

¹⁰¹ Ibid.

¹⁰² Ibid., 55.

nation's capital).¹⁰³ This new development gives the Taliban considerable control over a large territory and has been considered by many to be a "capitulation" to demands of extremists that could eventually encourage other Islamist militants across Pakistan to force similar concessions from the Pakistani government.

The mounting problems in Pakistan are multiplied by the fact that Pakistan has nuclear weapons. If Pakistan's nuclear weapons were to fall into the hands of terrorist organizations, there could be disastrous consequences for the U.S. and its allies. This scenario would become increasingly likely should the recent political tensions erupt into a larger conflict. The U.S. will have to work much more closely with the Pakistani government to destabilize the Taliban and al-Qaeda in Pakistan and although the role of the U.S. military in Pakistan remains to be determined, the U.S., in addition to financial assistance, should offer military aid to Pakistan. President Asif Zardari has already stated that Pakistan "will not tolerate the violation of [its] sovereignty and territorial integrity by any power in the name of combating terrorism,"¹⁰⁴ but the U.S. should continue to offer military aid in as unthreatening a way as possible. U.S. military incursions in Pakistan without the authority of the central government should be avoided and used only in instances of utmost necessity and secrecy; increased incursions would most likely result in further tension between the U.S. and Pakistan, and treading on Pakistan's sovereignty would do little to decrease the anti-American sentiment that serves as a driving factor for terrorism.

¹⁰³ *The Swat Valley*, (accessed February 25, 2009); available from http://topics.nytimes.com/top/news/international/countriesandterritories/pakistan/northwest-pakistan/swat_valley/index.html?scp=1-spot&sq=Swat%20Valley&st=cse.

¹⁰⁴ Kronstadt, 22.

Conclusion

Combating terrorism militarily is not an easy or straightforward task. Mistakes have been made in the past and will probably be made in the future. But by looking at the past and learning from those mistakes, by utilizing various opinions, by making decisions based on meticulous and extensive research, and by creatively exploring unconventional means of building cross-cultural bonds, the U.S. could develop a more successful way of dealing with terrorism.

Intelligence Reform

Carl Levin, the ranking Democrat on the Senate Armed Services Committee, has stated that in the process of combating terror tactics, “accurate intelligence is absolutely essential.”¹⁰⁵ Though the 9/11 attacks (along with the Iraq weapons of mass destruction debacle) brought considerable attention to the shortcomings of the U.S. intelligence system, the intelligence agencies themselves (particularly the CIA) have been struggling to keep afloat through various budget/personnel cuts and constant administrative changes since the immediate post-Cold War period.¹⁰⁶ The focus of this report is not to examine the technical and administrative intelligence faults of the past two decades, however, but rather to take a step forward and discuss the measures that the U.S. intelligence community needs to adopt in order to function more effectively in the face of the threat of terrorism. Transforming U.S. intelligence requires creativity along with a progressive mindset focused on future challenges.

In this section of the report, clandestine intelligence collection/covert action reform will be examined in two broad arenas: intelligence agency personnel and intelligence agency tactics/goals. Though the sixteen intelligence agencies of the U.S. handle numerous aspects of counterterrorism, from the National Security Agency’s monitoring of communication signals to the Treasury Department’s tracking of the financial transactions of suspected terrorists, the primary focus of this section will be on human intelligence.

Human intelligence (HUMINT) provides the most important and relevant method of data collection for the purposes of combating terrorism. Retired CIA operations officer and former station chief Burton Gerber explains that

¹⁰⁵ Burton Gerber, “Managing HUMINT,” *Transforming U.S. Intelligence*, ed. Jennifer E. Sims and Burton Gerber (Washington DC: Georgetown University Press, 2005), 181.

¹⁰⁶ Frederick Hitz, *Why Spy?* (New York: St. Martin's Press, 2008), 124.

countering terrorism – recruiting sources, uncovering plots, and understanding how terrorist organizations develop and grow – is chiefly a HUMINT task. Signals intelligence (SIGINT) provides some, but diminishing, intelligence, as terrorists learn through analysis or leaks in Western media how they must counter Western eavesdropping. And imagery intelligence is usually not valuable against this target.¹⁰⁷

When compared to intelligence collection programs based on acoustic, imagining, and other technical sensory methods, HUMINT is far cheaper, yet the hardest to retarget and protect.¹⁰⁸

Individual case officers spend years developing their skills. The responsibilities of case officers include recruiting and clandestinely meeting local agents, infiltrating organizations (as sleeper cells), and maintaining correspondence with agency analysts through written and digital communications. Due to the diverse and continuously changing nature of terrorist groups, HUMINT agencies (particularly the CIA) must adapt their strategies to confront these evolving challenges.

Requirements for New Officers

Updating officer recruitment procedures should be a priority, particularly amongst the National Clandestine Services (NCS) branches of the CIA. This is not to say that traditional methods are completely obsolete; however, the CIA should actively seek individuals with diverse ethnic, linguistic, and cultural heritage. In 2003, reports showed that only 2-4% of CIA officers hailed from non-European backgrounds.¹⁰⁹ More must be done to bring in officers whose backgrounds are relevant to regions that are prone to producing terrorist groups (Middle East, South Asia, Central Asia, and East Africa). The CIA must expand the number of officers fluent in “critical needs languages” like Arabic, Farsi/Dari, and Pashto. A more diverse body of intelligence officers would greatly expand the capabilities of overseas stations.

¹⁰⁷ Gerber, 182.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

The major obstacles to the recruitment/retention of diverse officers lie primarily within the agency's conservative screening, testing, security, and clearance procedures.¹¹⁰ Gerber explains that

security investigators and authorities must do their best to ensure the loyalty and reliability of those applying for and working within the intelligence community...so the granting of a security clearance still involves a great deal of careful work in determining an applicant's suitability and loyalty. At the same time, security authorities and their supervisors should recognize that many of the people U.S. intelligence needs to hire for highly classified positions will necessarily have extensive foreign experience and foreign contacts. Some security authorities, at least in the initial stages of the clearance process, seem uneasy about an applicant's foreign travel, work experience, and relative. Close connections with foreigners raise suspicions, though the most qualified applicants will often be those who by definition have such connections. Undue caution about such persons will hamper our efforts to obtain information on threatening targets such as terrorist groups.¹¹¹

The length of time between an initial interview and final hiring is substantially greater for applicants with extensive foreign connections and travel experience.¹¹² The inefficient handling of background checks and the agency's over-reliance on the polygraph (a device which has failed to identify double agents on more than one occasion) are primarily responsible for the long time it takes to gain security clearance.¹¹³ The prospect of waiting a lengthy period of time to *possibly* gain security clearance often discourages qualified individuals from applying to the NCS in the first place. Instituting a method of short-term security clearances while information is being collected could speed up the process.

The NCS must also reexamine/update its traditional case officer profile to meet the necessities of counterterrorism intelligence work. Rigorous psychological and language proficiency screening procedures often make it difficult for applicants with talents to become employed.¹¹⁴ For example, former Director of Central Intelligence Robert Gates commented on his delight when the agency found a candidate who was fluent in Azeri; however, Gates' delight turned sour when the

¹¹⁰ Ibid.

¹¹¹ Ibid., 186.

¹¹² Lindsay Moran, *Blowing My Cover* (New York: G.P. Putnam's Sons, 2005), 51.

¹¹³ Floyd Paseman, *A Spy's Journey* (St. Paul: Zenith Press, 2004), 18.

¹¹⁴ Gerber, 188.

candidate was rejected on the basis of his inability to write memos in English.¹¹⁵ Gates commented that he had thousands of people who could write in English, but not one who could speak Azeri.¹¹⁶

Improving the Capabilities of Current Officers

As officers rise through the administrative ranks of the agency, they could benefit from obtaining additional education. Gerber suggests that

leadership, often considered an innate talent, may also be a learned skill. It can be fostered by giving senior managers a larger perspective on their mission through broadening assignments and graduate education. The CIA in particular has been insular in this respect, in that few of its senior officers have had assignments outside the organization. The U.S. military, by contrast, has ensured that its rising officers take time off from their traditional assignments to study for graduate degrees...intelligence officers given time away from their own profession to work in other organizations or pursue academic courses gain insights into their own work and how it relates in broader ways to national security issues.¹¹⁷

In addition, officers in the CIA could benefit from assuming temporary positions in the FBI, NSA, State Department and other agencies. This could greatly broaden the knowledge of both CIA officers along with their host departments and set the stage for inter-departmental cooperation beyond the top political-appointee level.

The cooperation of the various agencies could also lead to a positive transformation of the ethical dimensions of espionage and intelligence work. Due to the clandestine (and sometimes covert) nature of intelligence operations, public channels are usually unable to address specific issues of moral wrongdoing unless a breach of security publicizes a specific incident. If the various agencies were to cooperate from an administrative as well as operational standpoint, they could serve as “checks and balances” on each other’s actions. Issues ranging from the responsibility of

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid., 194.

protecting foreign agents to torture during interrogations could be addressed and dealt with amongst the agencies without bringing public attention to delicate situations.

The Evolution of Human Intelligence

Given that terrorist groups tend to operate in “cell” structures and conduct communications through the internet, what can traditional human intelligence techniques accomplish that thorough website/communication investigation and modified police work can not? To put it simply, human intelligence work is responsible for the recruitment of spies who have the ability to infiltrate terrorist networks and obtain information that would otherwise be unknown to U.S. intelligence agencies; the tradition of hiring local spies to gather intelligence for case officers has been practiced by various countries for centuries.¹¹⁸ Former CIA Inspector General Frederick Hitz outlines a number of factors that could influence a person’s decision to betray their peers: money, revenge and score settling, sex, intimidation, and blackmail.¹¹⁹

Spying has historically been conducted in exchange for material gain. Hitz describes “money and treasure” as the “essential lubricant of this clandestine form of commerce. If the truth be known, most intelligence services prefer it that way. They consider it a fee for services rendered, without the complications of faith in a given system or ideology.”¹²⁰ During the Cold War, spies from both the U.S. and the Soviet Union were largely recruited in this manner. Perhaps the most famous case in the United States is that of CIA Soviet Affairs operations officer, Aldrich Ames, who offered to give the Soviets classified information in exchange for a payment of fifty thousand dollars. It is reasonable to assume that this method of recruiting spies will be able to work effectively in the post-Cold War world. However, Hitz explains that “it may not be possible for an American case officer

¹¹⁸ John MacGaffin, “Clandestine Human Intelligence,” *Transforming U.S. Intelligence*, ed. Jennifer E. Sims and Burton Gerber (Washington DC: Georgetown University Press, 2005), 86.

¹¹⁹ Hitz, 139.

¹²⁰ *Ibid.*, 34.

to get close to inviting a terrorist target individual, but a cooperating Pakistani or Jordanian intelligence officer might and can relay the offer of U.S. monetary or material assistance, or do it in his own name.”¹²¹ As shown by the capture of numerous al-Qaeda operatives in Iraq and elsewhere, using financial incentives for the recruitment of spies can work in a region where the United States is viewed as an enemy.

During the Cold War, revenge and score settling was a motive for those who spied on the behalf of a foreign country. The CIA and the KGB recruited government employees who had been denied promotions and were thus eager to take “revenge” on their employer. For example, FBI agent Robert Hanssen, who did not subscribe to communist ideology and had little interest in financial gain, gave information to the Soviets for twenty-four years because he was not promoted.¹²² Hanssen had been frustrated with his career and considered selling secrets as a way to get back at his superiors in the FBI. However, since terrorist groups do not employ individuals in the same way a state would, it seems unlikely that the CIA would be able to successfully recruit spies in this manner.

Finally, the CIA has used sexual intimidation/blackmail to acquire spies. This tactic is based on entrapping an agent through an embarrassing or illegal sexual ploy and then blackmailing that individual for information. Neither the Americans nor the British found this tactic very successful against the Soviets mainly because cultural norms in Eastern/Central Europe did not consider compromising sexual behavior to be a major problem.¹²³ Nonetheless, Soviet intelligence officers benefited greatly from this technique; they placed American officials in uncomfortable sexual situations while KGB photographers collected evidence that would be used to blackmail the victims into cooperation. Today, it is possible that this tactic could be effective in the recruitment of spies in the Muslim world. However, it is important to note that a complete understanding of the notions of

¹²¹ Ibid., 39.

¹²² Ibid., 42.

¹²³ Ibid., 51.

sexuality within a particular culture is necessary. Hitz uses the example of Abu Ghraib, where prisoners were sexually taunted by female guards (yet did not produce any valuable information) as evidence that this tactic may not always produce the intended results. It is important that the capabilities of American intelligence agencies adapt to meet the continuously evolving tactics used by terrorist organizations.

Part III

Theresa Klaassen, Camille McDorman, Beth Midanik-Blum, Cameron Moore

This part of the report explores the U.S. domestic counterterrorism policy. An effective strategy at home must reinforce our actions abroad. This discussion is led by examining the Department of Homeland security, an organization with a vital role in fighting terrorism at home that has yet to be fully implemented. The next section outlines the need for reforming intelligence agencies and at the federal, state, and local levels of the American government. Although they face many coordinative, communicative, technological, and bureaucratic challenges, these government stratifications have the potential to collaborate to forge a powerful intelligence response to safeguard homeland security. We then evaluate the issue of border and transportation security and immigration reform, issues that remain a contentious part of homeland security because they involve political agendas that are ostensibly unrelated to the issue of terrorism. To conclude, we offer an analysis of some possible courses of action and provide policy recommendations with the goal of strengthening domestic safety without eroding the personal freedoms that are an essential component of our national identity.

Homeland Security and Domestic Counterterrorism

The terrorist attacks of September 11, 2001 radically altered Americans' perception of their national security. Anti-American terrorists have demonstrated not only the intent, but the capacity to do grave harm. With one event, the false sense of security and confidence that existed in the bipolar post-Cold War world disappeared. Acutely aware of our vulnerability, the United States launched a "war on terrorism" to combat this threat. Unfortunately, terrorist activity has not declined since 9/11, and even though we have not experienced another attack on U.S. soil, there is significant evidence pointing to an increase in anti-American terrorist activity worldwide. The ultimate goal of counterterrorism policy must be to change the dynamic that drives a person to kill for a radical cause. This, however, is likely to take generations, and in the intervening time we will be confronted with many threats. How should U.S. domestic counterterrorism policy be orchestrated to maximize homeland security? What were the mistakes leading up to 9/11, and have they been resolved in a satisfactory manner?

The purpose of this section of this part of the report is to describe how the U.S. government is responding to the danger of terrorism domestically. These policies, principles, strategies, organizations, and programs incorporate all levels of the government, affect the personal safety of every American, and impact every aspect of the nation's political, financial, transportation, health, and legal systems. However, in the years following 9/11, the nation's unprecedented effort to improve upon domestic security has been met with many failures, critiques, bureaucratic obstacles, and has at times endangered the freedoms of expression and privacy that are at the core of American democracy. In looking backward at our past mistakes and forward to our future potential, we hope to provide evidence to support the creation of necessary policies, the continuation of

policies that function to protect the American public, and the elimination of those that have proven ineffective.

The Definition of Homeland Security

The U.S. government defines homeland security as the domestic effort to defend America from terrorist threats. The “all-hazards” policy adopted by the government, however, has the added benefit of improving the general preparedness for any catastrophe, including not only attacks, but natural disasters or human-made accidents like chemical spills.¹²⁴ The *National Strategy for Homeland Security*, released by the Bush Administration in 2002, has been the major force shaping the homeland security doctrine, and this document has continued to shape the agenda following the inauguration of the Obama administration in January 2009. The three main categories of the strategic objectives are preventing terrorism, reducing vulnerabilities, and minimizing damage and recovering from attacks. A brief overview of each follows.

Preventing Terrorism

Preventing terrorist attacks from occurring is the top priority, and includes improving “intelligence and warning” of terrorist activities, “border and transportation security” to keep terrorists and weapons out of the country, and “domestic counterterrorism,” which includes preventive activities by domestic law enforcement agencies such as surveillance. The first assumption that one needs to accept is that no solution will ever be perfect; sufficiently motivated attackers will always be able to overcome a static defense system. Reactive measures will only be effective for as long as it takes the threat to change its means of attack. The United States is an open, democratic society with personal freedoms and an infinite number of attractive targets. Therefore, preventative measures can only go so far.

¹²⁴ Sauter, Mark, and James Jay Carafano. 2005. *Homeland security: a complete guide to understanding, preventing, and surviving terrorism*. New York: McGraw-Hill. Pg. xv

Reducing Vulnerabilities

This objective encompasses the efforts to “protect critical infrastructure” and “defend against catastrophic terrorism” by preempting terrorist actions and identifying national weaknesses. The critical infrastructure sectors include agriculture, food, water, public health, emergency services, government, the defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemicals and hazardous materials, and postal and shipping. The increasing use of the internet and telecommunications equipment by nearly everyone in American society, including the security and financial sectors, means that homeland security policy must also focus on protecting cyberspace from infiltration by terrorist networks. Critical infrastructure also encompasses “key assets” such as national monuments, dams, power plants, government buildings, and major commercial facilities like skyscrapers. Because an estimated 85 percent of the about “critical infrastructure” is owned by the private sector¹²⁵, we must not forget that corporations and commercial businesses play an essential role in homeland security.

Minimizing Damage and Recovering from Attacks

This final strategic objective deals with improving the nation’s capacity to respond if an attack does occur on American soil. Terrorism, as explained earlier in this report, is a desperate act perpetrated by a group against a superior military enemy, with the ultimate goal of spreading fear. Terrorists depend on overreaction and panic to broaden the impact of their actions, “giving what is in fact an isolated incident strategic dimensions,”¹²⁶ investing their organizations with disproportionate power. Enhancing “emergency preparedness and response” includes coordinating incident management capabilities and meeting the financial, logistical, informational, and material needs of responders. This material support ranges from stockpiling vaccines and medical supplies,

¹²⁵ Sauter, Mark, and James Jay Carafano. 2005. *Homeland security: a complete guide to understanding, preventing, and surviving terrorism*. New York: McGraw-Hill. (xvi)

¹²⁶ Sheehan, Michael A. 2008. *Crush the cell: how to defeat terrorism without terrorizing ourselves*. New York: Crown Publishers. Pg. 3.

improving communication devices, and achieving nation-wide standards for response across different government jurisdictions. Training and support of state and local fire, emergency, and law enforcement personnel, who are often the “first responders” on the scene of an attack, is a key part of this objective.

Historical Context and Political Support for Homeland Security

Cold War vs. Today

Although homeland security has certainly been intensified after 9/11, the war on terrorism was not the first time in U.S. history that the public and government felt there was a clear threat of imminent attack on the United States; there are clear parallels between the current era and the Cold War era. However, one of the major differences is in the level of political support for disaster relief as a component of national security. Political support for civil defense during the Cold War era was weak, in part because “leaders and legislators regarded civil defense as either strategically superfluous or futile”.¹²⁷ Superfluous in the fact that deterrence had more to do with nuclear arsenals than civil defense, and futile in the sense that a nuclear attack would be so destructive that investments in civil defense would be unlikely to make any difference in the levels of mortality.

After the collapse of the Soviet Union, the United States national security policy continued to operate as if the major goal was to prepare for the next Cold War; although America was the only superpower remaining, this status would be fleeting.¹²⁸ The issue of global hegemony and the ability of the leading superpower to shape the global system were central to the strategies of the

¹²⁷ Ibid. Pg. 44

¹²⁸ Krauthammer, Charles. 1990-1991. The Unipolar Moment. *Foreign Affairs*. 70 (1) 23-33

administrations of George H.W. Bush, Bill Clinton, and George W. Bush.¹²⁹ Although the terrorist threat was far from ignored, it remained a secondary issue until September 11, 2001.

Modern Political Support

Unlike nuclear war scenarios, the terrorist threat to the United States has galvanized the public and politicians to accept investment in disaster response as a critical component of national security. Chemical and biological weapons are a real threat, and there is little doubt that specialized equipment, research, and training will be essential to mitigate their threat. Indeed, several case studies have already demonstrated that terrorists possess and are willing to use biological and chemical weapons. In 1995 the Aum Shinrikyo group used the nerve gas Sarin to attack the Tokyo subway system, killing twelve and injuring over six thousand.¹³⁰ The anthrax mailings of 2001, while not perpetrated by a terrorist organization, readily demonstrated the ease with which an individual with enough knowledge and access to materials could readily manufacture biological threats.

To drive home the reality of the terrorist threat, September 11, 2001 also stands as a transformational event and a temporal reference point for dividing national security policy into “before” and “after” categories. Warnings about the potential threat to the United States were issued years prior; the U.S. Commission on National Security/21st Century “warned of a ‘new world coming’ in which the United States would be challenged by the global reach, ambition, and increasing technological sophistication of terrorist organizations.”¹³¹ In 1999, the Gilmore Commission Report declared that a chemical, biological, radiological, and nuclear attack on the United States was a question of “when” not “if.”¹³²

¹²⁹ Newmann, William. 2001. Causes of Change in national Security Processes: Carter, Reagan, and Bush Decision Making on Arms Control. *Presidential Studies Quarterly* 31(1). Pg. 129.

¹³⁰ Sheehan, Michael A. 2008. *Crush the cell: how to defeat terrorism without terrorizing ourselves*. New York: Crown Publishers. (44)

¹³¹ Newman, William W. 2002. “Reorganizing for National Security and Homeland Security.” *Public Administration Review*. Vol. 62 (127)

¹³² *Ibid.*

Problems with Politicizing Homeland Security

However, despite the clear public and political will to engage in homeland security, there is much debate over how to appropriately achieve this goal. The Government of the United States of America has historically revolved around some discussion of federalism, the proper relationship between the national, state, and local governments, and the roles that each play. There is an embedded suspicion of centralized government, and the many laws, jurisdictions, regulations, and operating protocols that make up the American federal system purposefully deny control by any one entity. How can we then improve homeland security without violating the sovereignty of these independent bodies and maintain decentralization? Additionally, there is some question over whether politicians are overstating the threat to the public in order to gain political leverage to accomplish their goals, allowing for the passage of such laws as the Patriot Act and propelling the nation into the current Iraq War.

Another problem of terrorism that creates political challenges and changes traditional security paradigms is the breakdown of what constitutes “internal” and “external” security. Since the fight against terrorism is considered a war, homeland security must deal with threats from this enemy on the home front; national security and homeland defense strategies must be merged, but their operation must remain separate. Hamre (2000) argues for the development of a unified field theory that acknowledges where these two fields overlap and other instances where they do not, such as local law enforcement.¹³³ Inherent to this issue is the danger of increasing the domestic security environment with various levels of overlap, leading to an increase in the process of securitization on both a political and social level. Adamson and Grossman argue that “producing a

¹³³ Hamre, John. 2000. “A Strategic Perspective on U.S. Homeland Defense: Problem and Response. In *To Insure Domestic Tranquility, Provide for the Common Defense*, edited by Max Manwaring, 11-25. Carlisle, PA: Strategic Studies institute, U.S. Army War College.

cycle of increasing securitization (at both the international and domestic levels) is exactly what a political strategy of terror is designed to set in motion.”¹³⁴

What are the Terrorist Threats to Homeland Security?

The terrorist threats to homeland security are too numerous to delve into each in detail. However, since the 9/11 attacks there has been increased scrutiny over the techniques that may be employed by small groups of people intended to inflict harm, while maximizing panic. Counterterrorism experts become much more aware of the potential presence of “sleeper” cells, terrorist groups that have infiltrated the United States, either from abroad or home-grown, that have the potential to become active threats at any moment. The increasing reliance on the internet and telecommunications systems for almost every aspect of our governance and economy, combined with the numerous security gaps in this technology and the relative ease with which these technologies can be exploited, means that cyber-terrorism has immense potential for disrupting our economic system and way of life. The last, and perhaps most deadly threat, is that of a nuclear, chemical, biological, or radioactive attack.

“Sleeper” Cells

The creation and subsequent propagation of terrorist cells from within the U.S. population is a growing concern for counterterrorism professionals, especially considering that this is increasingly becoming a threat abroad in Europe as well. One excellent case study that demonstrates this danger is that of the Lackawanna Six, young men who grew up in suburban New York and who were inspired to form an al Qaeda cell by Kamal Derwish in spring 2001. Derwish was also born in the United States, but spent a significant portion of his life in Yemen and Saudi Arabia. As the most radical of

¹³⁴ Adamson, Fiona and Adam Grossman. 2004. “Framing ‘Security’ in a Post-9/11 Context.” *Social Science Research Council: Reframing the Challenge of Migration and Security*. Accessed at http://programs.ssrc.org/gsc/publications/gsc_activities/migration/adamsongrossman.pdf on 12 February 2009.

this group of six, he inspired the others with war stories, and convinced them to go to Afghanistan and attend al Qaeda camps. This group clearly knew of al Qaeda's past attacks in East Africa and that of the USS *Cole*. Derwish was killed in Yemen by a unmanned CIA missile when traveling in a convoy with other al Qaeda leadership, and after his death the group lost their initiative. When arrested in September 2002, they pled guilty to terror charges to avoid being sent to a military camp. While some scoff or even defend this group as a bunch of mislead suburban boys turned-failed-aspirant-jihadists, one must seriously consider what may have happened if Derwish had returned to New York and resumed leadership of the group. What if the group had been more driven even without his leadership?

One must assume that this is not the only "sleeper" cell present and growing in the United States today. As anti-American sentiment grows abroad, it is also undoubtedly alive in the minds of many marginalized groups in the diverse U.S. society. Home-grown cells in the United Kingdom and Spain have already succeeded in carrying out attacks, such as the July 2005 attacks in London and the Madrid train bombings in 2004. While most of these cells have received leadership and training from abroad, the telecommunications technology and the readily available information of the internet on bomb-making demonstrate that the means to carry out attacks are already in the hands of many. Home-grown cells also may escape detection because they have valid identification and fluency in English.

Cyber-terrorism and threats to Information Networks

The Obama administration has made the prevention of cyber-terrorism central to their homeland security message. The United States is one of the most electronically open countries on earth.¹³⁵ Although electronics are used by the government and private sector to run many networks, including those that regulate our financial systems, communications, energy, etc., very little has been

¹³⁵ Ranum, M.J. (2004). *The Myth of Homeland Security*. New York: Wiley Publishing Inc.

done to protect against a “cyber attack.” Federal IT workers in particular have “consistently lagged behind their commercial counterparts in expertise and training.”¹³⁶ Contributing to this was the giant dot.com bubble built up in the last decade, which drew many federal employees away by the lure of the more lucrative private sector.

Additionally, unlike most companies, the government has failed to standardize their software and electronic products; taxpayers instead must pay for massive database conversion projects or projects to interconnect incompatible systems. One anecdote is particularly telling: in 2004 within the FBI there were over twelve major databases containing criminal and terrorist information; in order to check to make sure a visa request isn't for a suspected terrorist, the INS must log in to six different computer systems and query them separately, then compare them manually.

CBRN: Chemical, Biological, Radiological, and Nuclear Threats

This report has already included a brief explanation as to why the threat of CBRN attack has increased the impetus for political support of homeland security. These weapons would allow a terrorist organization to achieve a huge strategic impact in a single attack, not to mention inspire the chaos, panic, and hysteria that are the ultimate goals of terrorism. How real are these threats? Terrorist organizations work outside the law, and are therefore not restricted in their choice of weapons. Though terrorist organizations have historically “moderated their choice of weapons in order to maintain popular support,” this is increasingly not the case.¹³⁷ Scientific and logistical evidence points to the fact that while threats of this type are very real, some basic steps can be taken to prevent their employment.

The threat of nuclear weapons falling into the hands of terrorists was one of the reasons given by the Bush Administration for going to war with Iraq. However, because nuclear weapons currently remain the hands of nations, their containment is primarily an issue of non-proliferation,

¹³⁶ Ibid. pg. 153

¹³⁷ Slater, M.S. and D. Trunkey. (1997) "Terrorism in America: an Evolving Threat." *Archives of Surgery*.

and counterterrorism experts should focus more on weapons of “mass disruption” rather than mass destruction.¹³⁸ The fear of a “dirty bomb,” or an improvised radiological device that would spread radioactive material when it explodes, has long been a focus of counterterrorism.

Chemical weapons, though deadly, are easier to contain and can usually be cleaned up with relative speed. They are also complicated to manufacture, not lending themselves to facile employment by small, untrained terrorist groups. The 1995 Aum Shinrikyo attacks on the Tokyo subway killed 12, but the group would have killed more people had they used automatic rifles. The most immediate problem with chemical weapons is that they are difficult to recognize, unlike firearms or bombs. The threat of biological weapons came to the forefront after the September 11 attacks, when letters laced with anthrax spores were sent through the U.S. postal service. Law enforcement and public officials were slow to respond to these attacks, and the protection strategies put into place afterwards were more panicked than useful. More research needs to be done to assess how terrorist cells might be capable of carrying out these attacks on a larger scale, and how to clean up a contaminated area should that occur. Local law enforcement and security should be better trained to recognize these threats.

The reality is that although al Qaeda has plotted to use anthrax, chemical devices, and “dirty bombs,” high explosives still continue to be the weapon of choice for their attacks. As a result, the federal government should remain focused on preventing the proliferation of nuclear weapons. We should also focus on preventing the proliferation of the materials needed to manufacture chemical, biological, or radiological weapons. Tracking these materials requires the cooperation of all levels of government, as well as the private sector.

¹³⁸ Sheehan, Michael A. 2008. *Crush the cell: how to defeat terrorism without terrorizing ourselves*. New York: Crown Publishers. Pg. 193

Part III Overview

What follows is a more detailed assessment of some of the major issues of homeland security. The subsequent section is an introduction to the Department of Homeland Security (DHS), including a description of its background, challenges to its success, critiques and failures of the Department, and its accomplishments to date. The next section outlines the need to reform the intelligence community and levels of government. It analyzes both the failures and potential of these agencies and organizations, which face many coordinative, communicative, technological, and bureaucratic challenges. We then examine the contentious balance struck between legal and constitutional restraints to domestic intelligence work, focusing on the National Information Policy, the USA Patriot Act, information disclosure, and cooperation between different branches of government. We then evaluate the issue of border and transportation security and immigration reform, issues that remain a contentious part of homeland security because they involve political motivations unrelated to terrorism. In conclusion, we offer an analysis of some possible courses of action and provide policy recommendations with the goal of strengthening domestic safety without eroding the personal freedoms that are an essential component of our national identity.

Department of Homeland Security

The political environment and the heightened perception of vulnerability after September 11 precipitated a huge organizational transformation within the field of national security. The Department of Homeland Security (DHS) was created by The Homeland Security Act of 2002 (HSA) by combining twenty-two existing agencies and 170,000 federal employees into a new cabinet-level department. This was the largest and most complex reorganization by the federal government since the creation of the Department of Defense (DoD) over six decades earlier, and created the third largest cabinet department. It combines such disparate organizations as the new Transportation Security Administration (TSA), the Secret Service, and the Federal Emergency Management Agency (FEMA). Any massive reorganization of this sort is bound to be faced with many challenges. Each of the twenty-two agencies already faces their own management challenges; the U.S. Comptroller General reported that many of the major components are already facing challenges such as failures in information technology management, financial vulnerabilities, and human capital risks.¹³⁹

The need for urgent action to protect America from attack is clear; however, the DHS will undoubtedly continue to evolve from its current form for years to come. The DoD, which was created through comparable government reorganization, went through extensive modifications in the decades following its creation, and many would say that it needs continued evolution. The DHS faces many challenges and unfortunately, in its current form, it will be unlikely to ensure America's safety from future terrorist attacks. It is imperative, therefore, that constructive criticism be directed toward the department in order to improve upon its organization and direction.

¹³⁹ U.S. General Accounting Office. 2003 c, January. *Major management challenges and program risks: Department of Homeland Security (Performance and Accountability Series)*. Washington, DC: Author (GAO-03-102.)

Background

While the September 11 attacks created the political impetus for the creation of the DHS, the blueprints for an Office of Homeland Security (OHS) were already on paper, a product of the first Bush and the Clinton administrations. Even prior to 9/11, a number of commissions had concluded that the government lacked the capacity for successful counterterrorist efforts. The most significant of these to the eventual creation of the DHS was the U.S. Commission on National Security/ 21st Century, better known as the Hart-Rudman Commission, named after its Senatorial leadership. The commission's final report recommended the creation of an independent National Homeland Security Agency that would plan, coordinate, and integrate U.S. government activities around security, including the offices of FEMA, customs, and border patrol. These recommendations were pursued by Representative Thornberry and Senators Lieberman and Specter, who made the first suggestion of a cabinet-level department.

The office of the president was initially opposed to the bill proposed by the Lieberman contingent. However, a month after the bill was introduced to the Senate, the president introduced a new bill that, although based on the first, had several crucial differences. For instance, the Office of Homeland Security would remain a presidentially created agency rather than an office created by statute, giving the White House considerable political sway over the Department.

Critiques and Challenges

Prior to the Creation of the Department

The Department, perhaps the most important single apparatus for ensuring the success of homeland security, has faced persistent criticism since its inception due to claims of bureaucracy, waste, and ineffectiveness. Early on, critics felt that the DHS was being assembled hastily for the wrong reasons. Representative Timothy Roemer claimed that the bill's momentum was like "a boulder rushing down the mountain...and nobody wants to stand in front of it to change and stop it."¹⁴⁰ Even prior to its creation there was controversy regarding whether an interagency model, representing an advisory and oversight position over several departments, or the departmental model favored by Congress would be better suited to face the new threats to security. Those who supported the interagency model argued that the wide scope of issues involved were too complex and far-reaching for a single agency. While the Department combined 22 existing agencies, the number of agencies involved in homeland security is estimated at anywhere from 40 to 151 at the federal level.¹⁴¹ Additionally, some argue that the "highest hurdle in homeland security is the coordination of tasks by dozens of agencies at the federal, state, and local level," and that a single-agency model was ill-suited for this task.¹⁴²

Democrats immediately came out against provisions in the bill that eliminated civil service and labor protections for its employees, who could thus be dismissed without union protection. President Bush argued that flexibility of appointment and ease of dismissal was important following the increased security concerns post-9/11.

¹⁴⁰ Sanders, Irene T. 5 May 2002. "To Fight Terror, We Can't Think Straight." *The Washington Post*.

¹⁴¹ U.S. Senate, Committee on Governmental Affairs. 2001. *Organizing for Homeland Security: Hearing before the Committee on Government Reform*. Statement of Ivo Daalder and I.M. Destler. Available at <http://www.brook.edu/dybadocroot/views/testimony/daalder/20011012.htm>. Accessed 10 February 2008.

¹⁴² Newman, William W. 2002. "Reorganizing for National Security and Homeland Security." *Public Administration Review*. Vol. 62 (127)

Fiscal Issues

The bill itself is also controversial because of the unrelated “riders” and “pork barrel” spending included in its 450 pages of text. As of September of last year, Congress estimated that the department has wasted roughly \$15 billion on failed contracts. The Department has paid millions of dollars of homeland security money to state and local authorities, often with very little effect on overall security.¹⁴³ The President’s 2004 budget of \$36.2 billion for the DHS “anticipates heavy reliance on the private sector for providing billions of dollars in research and development, pharmaceuticals, and all many of technologically based products from sophisticated information exchange systems.”¹⁴⁴ While this in and of itself does not constitute a problem, experiences with private contractors on the military fronts in Afghanistan and Iraq and prove that this relationship can be problematic because of corruption and wastefulness. Additionally, heavy reliance on outside expertise to prioritize needs in the field of homeland security may influence Congress and the White House into funding costly projects which may prove to be ineffective.

Lack of Jurisdiction over Intelligence

Before the signing of the HSA, many argued that the first priority for policy makers was to enact intelligence reform, since it was largely failures in the intelligence community that failed to prevent the attacks of 9/11. Following that logic, there was a push to incorporate the FBI and CIA into the department—two organizations that have been left largely untouched since the National Security Act of 1947. In the end, they were both left out. The accomplishments of the Department are seriously undermined by its lack of authority in intelligence gathering. The Homeland Security Act of 2002 states that the “responsibility for investigating and prosecuting acts of terrorism shall be vested not in the Department, but rather in the federal, state, and local law enforcement agencies

¹⁴³ Sheehan, Michael A. 2008. *Crush the cell: how to defeat terrorism without terrorizing ourselves*. New York: Crown Publishers. (223)

¹⁴⁴ Haynes, Wendy. 2004. "Seeing around Corners: Crafting the New Department of Homeland Security". *Review of Policy Research*. 21 (3): 369-395

with jurisdiction over the acts in question,¹⁴⁵ giving the Department little authority to intervene in local or state governments issues. The DHS's mission is very expansive, giving it the responsibility of issuing "warnings and information to state and local government personnel, agencies, and authorities and to the public." However, the HSA does not provide for departmental jurisdiction over the information possessed by the FBI, which remains the lead agency for terrorism investigations. Simply put, the DHS lacks the ability to control this information sharing because they only have limited access to the information. The Department has no access to intelligence reports for other agencies, due to a prevailing culture of secrecy in the intelligence community and the claim that they need to preserve the agencies sources and methods. Thus, the DHS only has access to polished intelligence, and has little or no control over what intelligence it does receive. If the Department's requests for specific information is denied, they must make an appeal to the White House, "needlessly consuming time and other valuable resources"¹⁴⁶.

Performance and Accountability

The complex bureaucratic arrangement of the DHS makes it difficult to remain accountable and to accurately evaluate performance and results. For the Department, the performance measures revolve around the survival of American citizens. According to some reports, there are eighty-eight congressional committees and subcommittees that have jurisdiction over homeland security issues, and many of those issues are overseen by agencies now a part of the DHS. There is no single oversight or appropriations committee overseeing this process.

¹⁴⁵United States. 2002. Public Law 107-296. "Homeland Security Act of 2002." Washington, DC: U.S. G.P.O.

¹⁴⁶ Lewis, James T. 2003. "Reform by Catastrophe." *Swords & ploughshares: a chronicle of international affairs*. Washington, D.C.: Graduate Student Council of the School of International Service of the American University.

Coordinating Federal, State, and Local Governments and Intelligence Agencies

In the domestic fight against terrorism, the dispute over which agencies should be involved and what kinds of roles they should play has been fervent, especially after 2001. Both 9/11 and the 2001 anthrax attacks have revealed the weaknesses in the complicated structure of U.S. agencies. These issues are seen in U.S. intelligence agencies as well as the network between Federal, State and local officials. The U.S. intelligence community is facing the following problems: outdated technology, lack of communication between and within intelligence agencies, decentralized structure, lack of accountability and encouraging the wrong work culture. Beyond U.S. intelligence, Federal, State and local officials need to play a key role in the fight against terror. For these officials, this role generally means preparedness, but their attempts to prepare their regions for domestic terror have been stifled by the following obstacles: an overabundance of U.S. agencies working with overlapping agendas, lack of communication between agencies, deficiencies concerning the awareness agencies have for both each other and the threat terrorism poses on their jurisdiction, and fiscal difficulties and discrepancies.

U.S. Intelligence: Separate Entities Rather Than a Cohesive Team

In January of 2000, the trail that the CIA had been keeping on two of the suspected 9/11 hijackers went cold. The CIA was aware of a meeting between al-Qaeda operatives in Malaysia and established surveillance operations for the meeting. After the meeting, the future 9/11 hijackers took flights to Bangkok and then to the U.S. but the CIA's tracking was stifled by a few main issues: outdated technology, the lack of cohesive work within the U.S. intelligence community, decentralized organization within intelligence agencies, and incentives for intelligence officials that rewarded ineffective techniques.

Before 9/11 the CIA was not able to communicate effectively with the 13 other agencies involved in U.S. intelligence. Each agency had its own goals, budget, e-mail and database systems, and hiring and training programs. There was no mechanism to pull these intelligence agencies together or to function as the nucleus for the intelligence community. This parochial culture has always been present in the intelligence community and was at work during the tracking of the Kuala Lumpur terrorists. The CIA neglected to ask the National Security Agency and the State Department for information on the suspects even though it was designated as the lead agency. Also, for years before 9/11, the CIA and FBI had attempted to create unity by coordinating a direct exchange with officials from each agency. This program failed not only because of the loyalty that each official feels to their own agency but also because neither managers nor officials looking to work their way up the ladder of success want to send their best officials away.

The culture of the CIA has generated many issues in regard to fighting terrorism. Instead of fostering a sense of allegiance to the overall intelligence community, each agent feels a sense of loyalty to the specific agency he or she works for. There has never been a philosophy that the intelligence community works as a team, and this has stifled the fight against terrorism, as information sharing is vital in these efforts. Instead, a culture of possessiveness has pervaded the intelligence community. Before 9/11 took place the CIA was following Khalid al-Mihdhar and Nawaf al-Hazmi, two suspected terrorists, but neglected to share their information with other important agencies. The CIA did not notify the FBI or State Department so that they could take action to keep the men out of the U.S. or find them if they were already in America. The FBI could have easily found the men while they lived in California during the months before the attacks as they used their real names on rental agreements and identification cards.¹⁴⁷

¹⁴⁷ Zegart, Amy B. "CNN with Secrets:" 9/11, the CIA, and the Organizational Roots of Failure. *International Journal of Intelligence and Counterintelligence*, vol. 20, no. 1, pp. 18-49, spring 2007.

Fragmentation, Accountability and Contemporary Strategies

Not only was there a lack of unity within the entire U.S. intelligence community, but specifically within the CIA. The CIA had an incredibly fragmented structure that was left over from the Cold War. For example, each field office was able to have sovereignty over particular issues. This was a structure that worked during the Cold War, when the enemy was clear and generally stationary. But tracking terrorist suspects calls for communication between field offices and corresponding headquarters. The field offices were focused on their geographic jurisdiction rather than tracking a specific individual. This was a major problem when tracking the suspected 9/11 hijackers from Malaysia. There was not a single agent or office that was left in charge of tracking the suspects and analyzing information found by various intelligence agencies. This lack of responsibility resulted in the trail going cold on the suspects.¹⁴⁸

The lack of accountability for the intelligence agencies has also created issues in regard to the fight against terrorism. Before 9/11, as agents carried out their work and reported to their supervisors, there was no single authoritative figure to keep the agencies and their officers accountable for their actions. Since 9/11, the U.S. government has created the Terrorist Threat Integration Center, which is supposed to act as the hub for various intelligence agencies.¹⁴⁹ But the U.S. intelligence community has yet to set up a working accountability function.

Quantity over Quality

The CIA encouraged a work ethic that was counterproductive for the fight against terrorism. Performance evaluations, career awards, and promotion criteria focused heavily on officers' ability to address immediate needs rather than long-term goals. This focus is manifested in the fact that the CIA uses only obvious and quantifiable benchmarks to evaluate their employees. Specifically, performance evaluations for CIA analysts and clandestine case officers use the number of spies

¹⁴⁸ See id. 1

¹⁴⁹ Duffy, Michael. *Could It Happen Again?* Time.

recruited or number of analytic reports compiled instead of for reaching across agency lines to improve information sharing. Quantity trumps quality in this system and consequently promoted a work ethic that was not conducive to fighting terrorism. After 9/11 CIA officials said that they were overwhelmed with the daily grind of urgent needs and did not have the time or the resources to address long term projects, no matter their importance.

Communication between Foreign, National and Local Officials

In the post-9/11 world, the U.S. intelligence system was an over-centralized, multilayered structure that could not work as fast as it needed to. Foreign intelligence and domestic information could not be put together and analyzed with enough speed to be passed on to those who would take action: CIA officers, FBI agents, foreign partners, and state and local police officers. Pre-911 there were few to any domestic analysts. There was no line of communication from U.S. intelligence officers working abroad to state and local officials in the U.S. This is a major issue for U.S. intelligence as they work to quell terrorist action. The state and local officials are the ones who can immediately act on the information that is gathered and analyzed. Without efficient lines of communication, potentially critical actions are stifled.

Intelligence officers need to be informed on more than just data, and they should have knowledge on terrorists and their tactics. The CIA has massive amounts of information on terrorist organizations, yet they keep much of it classified. This wealth of knowledge should be received by local and state officials so that they have an educated context from which to plan terrorism strategies, appropriately allocate resources, and accurately train their workforce. Consequently, instead of merely alerting a local official that they may be facing a threat, the local official should have access to information about possible threats to have time to prepare for them.

More generally, the model of U.S. national intelligence must be more decentralized so that information flow is rapid and set at a gradation for different levels of intelligence. We have the

technology to provide varied levels of de-classified information for different officials so that each organization has access to the data they need.¹⁵⁰

Federal, State and Local Government Preparedness and Coordination

There is a complex structure of U.S. agencies and organizations, public and private, foreign to local, that needs to communicate and collaborate to fight the threat of domestic and foreign terrorism. Past incidents, such as the 9/11 attacks and the 2001 anthrax scare, revealed that many weaknesses in this structure exist. The threat that these agencies try to protect their nation from has changed form and in turn, the agencies must change the way they function to accommodate this shift in fighting terrorism. Although there have been efforts to adapt to the threat of terrorists, there are still many issues that this structure of agencies face. These efforts must not be planned or executed with each agency working independently. Changes must be made as a part of a national plan with each local, federal and national agency playing a role. As the General Accounting Office has mentioned, “to develop this essential national strategy, the federal role needs to be considered in relation to other levels of government, the goals and objectives for preparedness, and the most appropriate tools to assist and enable other levels of government and the private sector to achieve these goals”.¹⁵¹ In the following section we will discuss the issues we have found concerning U.S. agencies and organizations and the changes that need to be a part of this national strategy.

Too Many Agencies with Not Enough Clarity

The first issue facing the U.S. intelligence community is the sheer number of agencies and organizations that need to collaborate in order to effectively fight terrorism. On the federal level

¹⁵⁰ Tenet, George, and Bill Harlow. *At the Center of the Storm: My Years at the CIA*. New York: HarperCollins Publishers, 2007.

¹⁵¹ Posner, Paul L. 2002. *Combating Terrorism: Intergovernmental Partnership in a National Strategy to Enhance State and Local Preparedness*. Testimony before the U.S. House, Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations. March 22. Washington, DC: General Accounting Office. GAO-02-547T.

alone there are over 40 entities currently participating in the fight against terrorism. The state and local level governments are just as overwhelmed with the number of agencies and operations. When planning for and reacting to an emergency, state and local governments are assisted by the following four different agencies: the Federal Emergency Management Agency (FEMA), the Department of Justice, the Centers for Disease Control and Prevention (CDC), and the Department of Health and Human Services. The federal government has provided almost 100 different terrorism training courses and developed over 100 federal terrorism response teams. An example of how these problems stifle the fight against terrorism is clearly seen in the 2001 anthrax attacks. After the anthrax outbreak, state and local law enforcement was not sure if they were to take direction from the FBI, the Postal Service, the CDC, or the DHHS. This is a major obstacle that needs to be addressed if local and state officials are to respond quickly to future terrorism.

Communication Network

Moving deeper into the issues that U.S. agencies confront, we find that it is not only the number of agencies that have jurisdiction over a given terrorist attack but also the functions and operations that each agency is in charge of. Terrorism is a complex threat that demands that agencies work together at a rapid pace to provide a multitude of different resources to fight against it. When responding to a terrorist attack, local and state governments must call for political, fiscal, and social resources that can be beyond their limits. There must be a communication network set up between federal, state and local agencies that is ready to function efficiently when an emergency arises. Many of the weaknesses in this network are concentrated in the lack of knowledge and awareness that local officials have about terrorist threats.¹⁵² Even after 9/11 local fire officials complained about this lack of awareness when they were quoted saying, “We need recommendations on the risk our area is in for weapons of mass destruction,” and “we need to

¹⁵² Organizing the Federal System for Homeland Security: Problems, Issues, and Dilemmas.

know what potential exposure we have in our area. We have no idea if we should be preparing for these incidents or not.”¹⁵³ This lack of awareness is strongly tied to the limited access that state and local officials have to U.S. federally-gleaned intelligence. As mentioned previously, every state and local official, from the governor to the fire department, needs to have an appropriate level of knowledge concerning terrorist threats. Officials have often complained that their level of preparedness is stifled by a lack of information and comprehension of the risks their region may face.

Other weaknesses in the communication network between federal, state and local agencies are concentrated in the ability of state and local officials to call on the federal government for resources in the time of an emergency and vice versa. For example, state and local officials are not fully aware of the abilities that the Armed forces possess and the Federal government does not have a clear picture of the role state and local responders need to take. Even after efforts were made to try and correct this miscomprehension in the post-9/11 world, agencies did not have a clear understanding of the new structure. It has been pointed out that “the underlying problem is that military and civilian officials—especially at the state and local levels—have distinctly different ideas about how the new authority should work.”¹⁵⁴ A structure has been set up but the specific actualization for the configuration is still unclear. For example, FEMA has been designated as the lead Federal agency for “consequence management” while the FBI has been chosen as the lead Federal agency for “crisis management.” These seemingly similar roles must be clearly defined so that responsibilities and accountability are established within the military and civilian configuration.¹⁵⁵ Local, state and federal officials must clearly comprehend the structure of homeland security and who they call upon in time of an emergency.

¹⁵³ Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction. 2002. *Third Annual Report*. Washington, DC: Government Printing Office.

¹⁵⁴ Freedberg, Sydney J., Jr. 2001. Homeland Defense Effort Breaks Down Walls of Government. GovExec.com, October 19. Available at www.Govexec.com/dailyfed/1001/101901nj1.htm. Accessed April 25, 2002.

¹⁵⁵ See id. 3

Fiscal Difficulties and Discrepancies

When preparing for an emergency, the issue of monetary resources is always prominent in strategic planning. In regard to local and state immediate response plans, the Federal government distributes money heavily to local officials rather than to state officials. Although it is important that local officials are prepared to respond to a terrorist threat or attack, a key part of preparedness is a state-coordinated response plan. Without funding to the state, a coherent, expansive, and quick response plan will not be coordinated for the local level. Another reason it is important to fund the state level rather than send most federal funds to the local level is that state disaster agencies have more experience and knowledge concerning disaster relief than their local counterparts.¹⁵⁶

The actual administration of assistance programs to the local and state level is another issue as promised funds can be difficult to materialize. For example, a program started by the Justice Department in 1999 pledged monetary provisions for biological, chemical and radiological response equipment for emergency officials. After three years, only 23 of the 56 states and other jurisdictions had actually received money from the program. The Office of Justice Programs spokespersons admitted that this delay has occurred because of the expansive and painstaking application that the states must fill out in order to receive funds.¹⁵⁷ When the nation is attempting to prepare itself for the threat of terrorism specifically, time is incredibly crucial and the allocation of funds must be set on a similarly urgent timetable. It is clear that state and federal officials must communicate closely, and that state officials are informed of terrorist threats and can then prepare their own local officials appropriately. Consequently, state officials need the fiscal authority to distribute funds as necessary to their local counterparts. Along with this need for flexibility, accountability is important because different levels of government must be keeping one another in check in order to function efficiently.

¹⁵⁶ Stratton, Ruth M. 1989. *Disaster Relief: The Politics of Inter-governmental Relations*. Lanham, MD: University Press of America.

¹⁵⁷ Seigle, Greg. 2002. Justice Department Slow to Get Anti-Terrorism Funding to States. Available at www.govexec.com/dailyfed/0402/042402gsn1.htm. Accessed April 25, 2002.

Within the context of funding for the domestic fight against terror there needs to be a balance between flexibility and accountability.

U.S. Intelligence and National Information Policies: Balancing Privacy, the USA PATRIOT Act, and Terrorist Financing

With the rise of terrorism to the forefront of American political agendas and public discussions, the United States government, including many interrelated agencies and cooperating organizations, have attempted to identify the key mechanisms that foster the domestic conditions for terrorism, both at home and abroad. Concomitantly, it is imperative to identify the financial and social channels that enable operational coherence across the globe, foster recruitment, provide financial feasibility, and steal and disseminate vital security information to terrorist networks. The United States government has identified the availability and accessibility of information as a critical component to mitigate the effect and efficiency of terrorist operations. In addition, the U.S. government uses information interception and domestic surveillance as preventive indicators to thwart terrorist plots before they occur. The terrorist attacks of September 11, 2001 were sobering instances of failed surveillance and interception, and provide harrowing evidence for the need for increased attention to realigning national information policy as an integral component of comprehensive national security strategies.

However, inherent to the discussion of government-regulated accessibility to the dissemination of information are the growing complaints of activist organizations that cite growing surveillance as a violation of citizens' rights to privacy and freedoms of expression. The consequences of such reformations to information policy will inevitably require a change in how the country addresses the terrorist threat in relation to its desire for maintaining civil liberties, as well as a reassessment of what comprises an acceptable level of surveillance and government intrusion into citizens' private lives for the sake of national security.

National Information Policy

Historically, the United States has been considered one of the most-free nations in the world in respect to access to information, and the right of citizens to personal privacy. However, following 9/11, the United States has realigned its practices into a more intrusive system based on government surveillance and increased access to personal records. Privacy International, an independent human rights watch group based in London, whose aim is to assess the national levels of government intrusion into citizens' private lives, gave the United States one of the poorer rankings among First World Nations (rivaling Russia and the United Kingdom) specifically due to its inadequacies in the fields of immigration, terrorism, privacy law, domestic spying, and weak protections of personal information including financial and medical records.¹⁵⁸

Freedom of Information Act

The United States affords to its citizens rights against unreasonable search and seizure and many freedoms of personal expression outlined in the Bill of Rights. Under the Freedom of Information Act (FOIA) passed in 1966, the United States granted its citizens rights to access to information including government documents, although it also provided for nine exemptions to access, ranging from classified secrets and national defense, to trade secrets and financial information, to personal information affecting an individual's privacy. These nine exemptions were designed to avoid leaks of government secrets and intrusion into the private lives of citizens. Following 9/11, these exemptions would provide the foundational navigation for The USA PATRIOT Act in circumventing many of the rights that the FOIA provided. The desire for national defense greatly trumped citizens' rights to free access to government-owned information and privacy.

¹⁵⁸ *Privacy International* (accessed February 4, 2009); available from <http://www.privacyinternational.org>.

USA PATRIOT Act

Within weeks after the terrorist attacks on 11 September 2001, “national information policy based on the founding fathers’ concepts of openness in a representative democracy began to change.”¹⁵⁹ In the aftermath, the U.S. government, in both the executive and legislative branches, reacted by increasing the scope of executive authority and increasing the power of the law enforcement community, not an unsurprising outcome given the grave uncertainty surrounding Washington D.C. Congress enacted several regulatory changes that “enhance the collection and use of personal information for intelligence and law enforcement purposes,” culminating in the hurried passage of the USA PATRIOT Act.¹⁶⁰

The Patriot Act was passed by both houses of Congress and signed by former President George W. Bush in the weeks following 9/11. It provided the ‘teeth’ for law enforcement agencies to try to root out terror from within and along our borders, whose grit and security had been tested during the attacks on New York and Washington D.C. The Patriot Act would soon be considered the harbinger of the way in which our country would react to the terrorist threat.

Government Secrets: Costs and Benefits

Prior to the Patriot Act, the seminal report on national information policy and government guarding of information was the “Report on the Commission on Protecting and Reducing Government Secrecy” (1997). This report concluded that:

- excessive secrecy can harm the national interest;
- policymakers are not fully informed on the relevant issues;
- too much is classified;
- leaking is frequent and pernicious; and

¹⁵⁹ Lee S. Strickland, “The information gulag: Rethinking openness in times of national danger.” *Government Information Quarterly* 22 (2005): 547.

¹⁶⁰ Priscilla M. Regan, “Old issues, new context: Privacy, information collection, and homeland security.” *Government Information Quarterly* 21 (2004): 481.

- “real” secrets are not well protected¹⁶¹

The report recommended that Congress enact a statute that set forth principles regarding a ‘life cycle’ for secrets, as well as offering a recommendation for setting up protocols for declassifying information. This recommendation, however, did not pass, and would foreshadow an age of increased surveillance and government accessibility to private information.

The Patriot Act, in many ways unrelated to counterterrorism, revised the U.S. government’s policies towards privacy and access to both private and public information. It increased the scope of law enforcement agencies to include requesting telephone, e-mail, medical, and financial records, and enhanced the authority of immigration and customs officials for detaining and deporting immigrants suspected of subversion. The Patriot Act amends information privacy statutes in order to facilitate greater government access, increase data collection, and “reduce the due process and privacy protection for record subjects.”¹⁶² However, in years passed, many critiques have risen up against The Patriot Act. While it initially was not met with significant opposition in both Houses of Congress, many representatives, academics, and civilians have followed with expressed concern over the expanded powers accorded to the government. In particular, many have criticized the scope of the Patriot Act, citing the weakening protection of basic civil liberties, such as citizen’s rights against search and seizure outlined in The Fourth Amendment:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized¹⁶³

The powers of The Patriot Act expand authority to intelligence gathering services and attempt to strengthen the communication networks among these services, such as interagency

¹⁶¹ *Report of the Commission on Protecting and Reducing Government Secrecy, 1997* (accessed January 23, 2009); available from <http://www.gpo.gov/congress/commissions/secrecy/index.html>

¹⁶² Priscilla M. Regan, “Old issues, new context: Privacy, information collection, and homeland security.” *Government Information Quarterly* 21 (2004): 482.

¹⁶³ *The United States Constitution* (accessed January 23, 2009); available from <http://www.usconstitution.net/const.html>

cooperation among the FBI, CIA, NSA, DoD, and DHS. The following are examples of information and privacy modifications provisioned for under the Patriot Act:

- Section 211 reduces the privacy protections of the Cable Communications Policy Act regarding the release of the customer records of cable companies;
- Section 215 amends the Electronic Communications Privacy Act of 1986 (ECPA) to expand the types of Internet Service Provider (ISP) subscriber records that law enforcement officers can access with an administrative subpoena;
- Section 358 amends the Right to Financial Privacy Act of 1978 (RFPA) to permit banks to disclose banking records to law enforcement authorities for analysis of intelligence activities;
- Section 505 amends the Fair Credit Reporting Act (FCRA), the Financial Right to Privacy Act, and the Electronic Communications Privacy Act to permit government access to personal information when a FBI agent certifies that the records are relevant to a terrorist investigation; and
- Section 507 amends the Family Educational Rights and Privacy Act to require educational institutions to disclose student records when law enforcement authorities certify that they may be relevant to a terrorism investigation¹⁶⁴

These examples are indicative of the key structural changes that The Patriot Act entails: curtailing protections of privacy and expanding government intervention methods in accessing private records. However, these examples are only a few elements of the existing mosaic in a comprehensive strategy to fight against terror. National Security Letters (NSLs) and technological breakthroughs harness the capacity to be great allies against terror.

National Security Letters

¹⁶⁴ Priscilla M. Regan, “Old issues, new context: Privacy, information collection, and homeland security.” *Government Information Quarterly* 21 (2004): 482-3.

Counterterrorist programs have challenged citizens' rights in many arenas, as both the FBI and CIA, using the expanded power given to them under The Patriot Act, have issued NSLs and gag orders in order to access and analyze the records of individuals and businesses for suspicious activities without the subject being able to inform legal counsel.¹⁶⁵ The issuance of gag orders has since been ruled unconstitutional as an infringement on free speech under the ruling of *Doe v. Ashcroft* and subsequent appeals.¹⁶⁶

The initial conception of NSLs came with the passage of the RFPA (1978) and the ECPA (1986), and was then expanded under the National Security Act and the FCRA (1970). The FBI was thus granted access to financial institution records and communications service provider customer information. The immediate effects of The Patriot Act have resulted in the exponentially increased use of NSLs: their issuance has increased over one hundred fold since 2001, resulting in more than 30,000 issuances per year.¹⁶⁷ The Patriot Act offers almost limitless justification for issuing NSLs, and no longer requires that the subject of investigation be a foreign agent. In addition, The Patriot Act expanded the definition of financial institution to include Internet Service Providers (ISPs), casinos, jewelers, the U.S. Postal Service, travel agencies, and insurance companies. The digital footprints of American consumers are now seemingly limitlessly accessible to government agencies which no longer need to provide just cause. NSLs have been used to access library, financial, and telecommunication records for both individuals, and as part of sweeping inquiries into groups of individuals. Law enforcement tools like wiretaps, electronic communications interceptions, and government requests of personal records are pivotal components in creating a comprehensive, defensive strategy to combat terrorism. The intersections between knowledge, information, and

¹⁶⁵ *Doe vs. Ashcroft* (accessed February 3, 2009); available from http://www.aclu.org/FilesPDFs/nsl_decision.pdf

¹⁶⁶ *Doe vs. Ashcroft* (2004) was filed by the ACLU on behalf of an unknown Internet Service Provider when the government subpoenaed disclosure of its private customer information. Following appeal procedures and PATRIOT Act restructuring in 2006, NSL provisions were ruled a violation of the First Amendment and the separation of powers.

¹⁶⁷ *Librarian Who Challenged NSLs Urges Congress to Fix Patriot Act* (accessed February 1, 2009); available from <http://www.aclu.org/natsec/gen/29314prs20070411.html>

accessibility are now heavily governed by the expanding responsibilities accorded to the CIA, FBI, and NSA as these agencies now hold the keys to personal and business records. Due to the far-reaching nature of NSLs, they have the potential to be valuable tools in domestic counterterrorism operations.

The Department of Justice and Information Disclosure

Information disclosure policy as outlined by former Attorney General John Ashcroft's recommendation on 12 October 2001, recommended that "governmental agencies withhold whenever there is a legal basis to do so and is based, according to the Department of Justice (DoJ), on the importance of protecting sensitive institutional, commercial, and personal interests that can be implicated in government records – such as the need to safeguard national security, to maintain law enforcement effectiveness, to respect confidentiality, to protect internal agency deliberations, and to preserve personal privacy."¹⁶⁸ This directly challenged a previous 1993 memorandum under then-Attorney General Janet Reno which promoted the disclosure of information unless it was a foreseeable threat to national security. It is imperative to distance acts of government secrecy regarding counterterrorism protocols from taking a general official disposition towards government secrecy.

Terrorist Financing

Perhaps the most important anti-terrorist component is disrupting and dismantling the flow of funds and resources that fuel terrorist operations and recruitment. International cooperation in disrupting financial resources can severely dampen recruitment and limit the spatial scope and linkages of terrorist networks. Charities, mosques, nongovernmental organizations, websites, and

¹⁶⁸ Lee S. Strickland, "The information gulag: Rethinking openness in times of national danger." *Government Information Quarterly* 22 (2005): 557.

banks comprise the global terrorist financing network, and it is imperative to U.S. interests that the government develops a comprehensive, multilateral plan to undermine terrorist finance efforts.

The International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001, Title III of the Patriot Act, aimed to facilitate the prevention, detection, and prosecution of money laundering and terrorist financing through strengthening international banking rules, improving communication between financial institutions and law enforcement agencies, and exponentially increasing penalties for counterfeiting and smuggling. In addition, the Office of Foreign Assets Control of the U.S. Department of the Treasury is responsible for administering trade sanctions against foreign countries, terrorism sponsoring organizations, and international narcotics traffickers predicated on U.S. foreign policy and national security. It has been allocated the power to impose controls on financial transactions and freeze foreign assets within U.S. jurisdiction. This is but one front. The other requires more heavily integrated cooperation with nations responsible for allowing the facilitation for financing, including the oil-rich nations of the Middle East. This, however, will require legal and regulatory consent and restructuring at the state-level in order to achieve sustainable success over the long-term.¹⁶⁹

Immigration, Border and Transportation Security

¹⁶⁹ Council on Foreign Relations, *Terrorist Financing*, ed. Maurice R. Greenberg (New York: Publications Office, 2002): 3.

The United States government has always been aware of both the advantages and disadvantages that come with immigration. Over the course of the history of the United States, different waves of immigrations have led to various outcomes in immigration policy – some groups of people have been turned away due to quotas, while other groups have been solicited for their labor. Many new eras of immigration policies have been welcomed by some, and some have angered others; these sentiments appear most recently in relation to the immigration policies that have been legalized post-September 11, 2001. Due to the fact that the nineteen 9/11 hijackers were not American citizens, both the Bush administration and the general public quickly made the connection between immigration and domestic terrorism.¹⁷⁰ As a result of the terrorist threat, new immigration policies have been made in order “to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes,”¹⁷¹ which is most specifically seen within the Patriot Act, enacted in October 2001. Along with the creation of the Department of Homeland Security in 2002, criticism over lack of civil rights given to both legal and illegal immigrants in the United States is now a different situation than it was pre-9/11. With new laws, quotas, and restrictions, immigration after 9/11 has successfully reputed the belief that “America is welcoming to all,” as border security and stricter immigration policies are tightly enforced.

Important Immigration Acts: The McCarran-Walter Act & The Patriot Act

¹⁷⁰ Bill Ong Hing, “Misusing Immigration Policy in the Name of Homeland Security,” *New Centennial Review*, volume 6, 195-223. Available from Project *Muse*. Accessed January 20, 2009.

¹⁷¹ The Library of Congress: THOMAS. Search Result: H.R. 3162. <<http://thomas.loc.gov/cgi-bin/bdquery/z?d107:HR03162:%5D>>

In regard to immigration, the USA PATRIOT Act in fact only strengthened existing policies. In 1952, the McCarran-Walter Act, formally known as the Immigration and Nationality Act (INA), “ended the blanket exclusion of immigrants based on race and created the foundation for current immigration law, but imposed a racialized immigration quota system and new ideological grounds for exclusion.”¹⁷² The INA received much criticism, and parts of the Act regarding the “ideological grounds for exclusion” were formally repealed in 1990.¹⁷³ Yet many of these repealed provisions were resurrected in 2001 with the PATRIOT Act. Specifically, the PATRIOT Act has made it much more difficult for immigrants and non-citizens to “... gain U.S. permanent residency, citizenship, visas and work permits due to the added requirements.”¹⁷⁴

Immigration & the Department of Homeland Security

With the creation of the Department of Homeland Security in 2002, the Immigration and Naturalization Services (INS) became part of the larger department, and was renamed the U.S. Citizenship and Immigration Services (USCIS). Within former President George W. Bush’s proposal for the Department of Homeland Security, “Border and Transportation Security” was seen as a top priority, for which USCIS and other government departments would work together to improve the safety of America. Specifically, the DHS would be “...the single federal Department in charge of all ports of entry, including security and inspection operations, and would manage and coordinate port of entry activities of other

¹⁷² “The McCarran-Walter Act: A Contradictory Legacy on Race, Quotas, and Ideology.” *Immigration Policy Center*, June 2004. Accessed February 1, 2009. <<http://www.immigrationpolicy.org/index.php?content=pr0604>>

¹⁷³ *Ibid.*

¹⁷⁴ United States Immigration Support. “The Patriot Act and U.S. Immigration.” Accessed on February 4, 2009. <http://www.usimmigrationsupport.org/patriot_act.html>

federal departments and agencies.”¹⁷⁵ The connection was made between “border and transportation security” and the poor utilization of immigration policies, wherein Bush’s proposal provided the link between terrorism and immigration, to be used specifically by increasing security at all 350 official ports of entry to the United States. In hopes to deter terrorism from entering America’s borders, former President Bush’s policies linked all forms of immigration to possibilities of terrorist activities. Restrictions and regulations on both legal and illegal immigrants in the United States were thoroughly altered after 9/11.

The need for enhanced domestic security procedures in transportation, immigration, and border patrol was made clear by the ease with which the September 11th bombers entered the country, although some were known to be suspected terrorists. The INS was ill-suited to follow up on their whereabouts. The true severity of the problem was realized when, a full six months following the attacks, the INS mailed documents for several of the terrorists extending their stay in the United States.¹⁷⁶ Failures on the part of the INS were, unfortunately, not new. During the Iranian hostage crisis of 1979, the INS was able to confirm the location of only 9,000 of the 50,000 Iranian students in the United States.¹⁷⁷ In 1993, Jordanian Eyad Ismoil drove a truck loaded with bombs into the World Trade Center, and it was only afterward that the INS realized he had violated his student visa.¹⁷⁸ Facts like these provide startling evidence to politicians for the need for reform; however, how that reform should take place is a more difficult question.

¹⁷⁵ President George W. Bush. “The Department of Homeland Security.” Published in June, 2002. Accessed January 30, 2009. <<http://www.dhs.gov/xlibrary/assets/book.pdf>>

¹⁷⁶ Thompson, Cheryl W. 30 July 2002. “In Congress, a Tug of War Over INS’s Role in New Department.” *The Washington Post*.

¹⁷⁷ Kamarck, Elaine Ciulla. 2002. *Applying 21st-century government to the challenge of homeland security*. New ways to manage series. [Arlington, VA]: PricewaterhouseCoopers Endowment for the Business of Government. <http://www.businessofgovernment.org/pdfs/KamarckReport.pdf>. Accessed 2 February 2009.

¹⁷⁸ Ibid.

Although it was clear to both the U.S. government and the general public that in fact, all nineteen of the September 11th suicide bombers were Middle Eastern men of Muslim-descent, immigration policies that were created and utilized to enhance homeland security was mainly seen in relation to the U.S.-Mexico border. The questionable use of political leverage to enforce another “immigration-related” agenda, such as the ongoing issues regarding immigration from Mexico to the U.S., can especially be seen within the creation of DHS, and their policies on border and transportation security. There has continually been a history of xenophobia in the United States, and it is only more evident now after 9/11. Whether America targets Muslim or Middle Eastern countries with certain restrictions on student or professional visas, or if border security is continually expanded at the U.S./Mexico border, it is seen that the blanket term “immigration” is bigger and broader than just deterring terrorism from specific groups of people. The Department of Homeland Security’s mandate is to stop terrorism within America’s borders, and issues of immigration are used as symbolic ways of increasing security and providing “effective ways” of promoting an anti-immigration agenda.

A New Take on Immigration: The Obama Administration

As discussed earlier, DHS continues to use a responsive tactic when approaching new waves of immigration policy, by only changing broken-down systems of bureaucracy when the system so obviously fails (as can be seen on 9/11). With the new Obama administration in political office for barely two months, the “Immigration Policy Working Group” that the President has put together is already working to rearrange and rebuild a defunct USCIS. The Obama-Biden campaign ran on three immigration-specific ideals:

- *Barack Obama will secure our borders:* Obama and Biden want to preserve the integrity of our borders. They support additional personnel, infrastructure, and technology on the border and at our ports of entry.
- *Improve our immigration system:* Obama and Biden believe we must fix the dysfunctional immigration bureaucracy and increase the number of legal immigrants to keep families together and meet the demands for jobs that employers cannot fill.
- *Bring people out of the shadows:* Obama and Biden support a system that requires undocumented immigrants who are in good standing to pay a fine, learn English, and go to the back of the line for the opportunity to become citizens.¹⁷⁹

Although there is some overlap between former President Bush's goals with the creation of DHS, it is evident that the Obama-Biden campaign (and now administration) approached immigration reform with a critical eye. Specifically, it is seen from the second point that it is obvious how many influential people – whether from Washington or the general public – think the entire system of immigration in the United States is defective. “Dysfunctional immigration bureaucracy” is a phrase that shows how the DHS's incorporation of the USCIS is failing, as immigration policies continue to be used incorrectly and end up causing more harm for many innocent people.

Homeland Security and Domestic Counterterrorism Recommendations

¹⁷⁹ Barack Obama and Joe Biden: The Change We Need: Immigration. Accessed February 1, 2009. <<http://www.barackobama.com/issues/immigration/>>

The inevitable dilemma of homeland security lies in making the necessary tradeoffs between wasting valuable resources on misguided preparation or over-preparation for false alarms, and the risk of failing to prepare enough for real threats to the American public and infrastructure. Similarly, the homeland security apparatus faces a trade-off between increased securitization at the potential cost of fewer human rights, and tragic situations that could occur because of a lack of public surveillance. Recommendations to improve homeland security, therefore, must carefully balance these issues. The safety of the American public depends on the ability of scholars, politicians, officials, consultants, public and private agencies, organizations, and indeed the entire populace of the United States to join together in facing these challenges. Fortunately, the constantly evolving nature of the threats to our security also means that the government has infinite potential to evolve and improve in order to create a homeland security apparatus that works.

Department of Homeland Security

In order to achieve its goals, the DHS must be allocated more power and its intelligence collection capabilities must be augmented. There are strong incentives for the CIA and FBI to withhold information and assistance for the Department, as it encroaches upon both their jurisdictions and funding. Legislation may be necessary to compel the intelligence agencies to share both their processed and un-processed intelligence.

To improve fiscal discipline, the DHS should act in an advisory role to Congress as a “smart-buyer” to define “what they want to buy, know who to buy it from, and judge the quality of what they buy when it arrives”¹⁸⁰. While the prevailing neoconservative logic of the past administration relied heavily on privatization, the reality is that the interests of the public and those of public

¹⁸⁰ Haynes, Wendy. 2004. "Seeing around Corners: Crafting the New Department of Homeland Security". *Review of Policy Research*. 21 (3): 369-395. (387)

contractors often conflict. Additionally, no-bid and cost-plus contracts should be eliminated, as they discourage the very climate of competition that is supposed to make contracting private-sector enterprises more efficient.

In order to maximize the effectiveness of their research and efforts, the Department should create a standard operating procedure for all local and state jurisdictions. The government should require all medium- to large-sized cities to adopt an “all-hazards” approach to emergencies, including terrorist attacks, floods, hurricanes, toxic spills, plane crashes, and fires. This involves preparing the first responders for these attacks and creating standard operating procedures. Again, the benefit of an “all-hazards” approach is that while preparing for a terrorist threat, it also improves the security of citizens from many other threats.

The DHS should also spearhead the push for standardization of other systems across the United States. A good example of this would be to issue guidelines and push Congress for appropriations to standardize identification cards and drivers’ licenses. While states undoubtedly will wish to keep jurisdiction over their own driver’s license programs, transitioning to “smart ID” cards that have “a standardized hologram and digitally encoded biometric data specific to each holder” could be tremendously helpful.¹⁸¹ In addition to standardization, state identification databases should also be linked to allow for more widespread dissemination of information and a reduction of identity theft. Though not allowed by law, under the current system it is fairly easy to obtain multiple ID cards from different states.¹⁸²

The DHS also has a tremendous opportunity to protect the United States against cyber-threat and information leaks by creating standards for government firewall and network security controls. One possible solution to prevent terrorist networks from hacking into sensitive materials

¹⁸¹Ham, Shane and Robert D. Atkinson. 2002. “Modernizing the State Identification System: An Action Agenda,” *Progressive Policy Institute Policy Report*. Washington, DC: Progressive Policy Institute.

¹⁸² Ibid.

on federal computers would be to create some computer systems and networks that would never be connected to the Internet. By allowing different government departments and agencies to set their own security standards, the federal government has created a vulnerable system that now must be changed despite bureaucratic resistance.

Coordination of Government Levels and Agencies

The nature of the terrorism threat has changed in the past decade and consequently U.S. domestic agencies have been faced with the challenge of updating the way they work to protect the United States. The attacks on September 11, 2001 revealed many weaknesses within the U.S. intelligence community. If national security is to be a top priority, there must be a strong progression towards resolving these failures. First of all, the various intelligence agencies must have a strong communication network both within and between themselves. A part of this network will be a shared database system that will allow various intelligence agencies and officers access pertinent information. This database should also be available to state and local agencies so that states and cities will be aware of terrorist threats as they form. In order to create this database, the overall technological capacity of the U.S. intelligence community must be advanced dramatically and rapidly. The ways in which intelligence officers receive, analyze, store and share information must be updated through software that is compatible with other officers and agencies. In addition to a building a strong communication network between U.S. agencies, there also needs to be a functioning accountability structure that keeps agencies responsible for their work. This system will also help to clarify the role of each federal, state, and local agency and decrease overlap of jurisdiction.

The role of each agency must also be clearly enforced in training programs that Federal, State and local agencies proctor. Within these training programs, officials should receive holistic

training on the terrorism threat. This holistic training would include education about terrorists and their tactics so that state and local officials can better understand the nature of the threat. It would also entail state and local officials being informed of the chain of command that they should call upon in times of emergency and where to get their resources from. These training programs would greatly improve the preparedness of state and local agencies for the threat of terrorism.

Preparedness must also be improved with a more straightforward fiscal distribution plan provided by the U.S. government.

The work culture that is created in both the U.S. intelligence community must be improved in multiple ways. First, the U.S. intelligence agencies must reward employees for commitment to long-term projects so that intelligence officials keep track of suspected threats as long as they remain an enemy. Specifically, the CIA needs to develop a more comprehensive and accurate system to measure their employee's output and value rather than using simple numerical benchmarks.

Agencies must also work to correct the deep divides that exist between the various agencies. These rifts are reinforced by an extreme allegiance-centered mentality that is fostered by the agencies themselves. Intelligence agencies must increase the amount of information they share, not only through the database but also in a face-to-face manor. The administrative department of the agencies must work to promote the goals that unite the agencies—the fight against terror in the pursuit of national security.

National Information Policies

With the passage of The Patriot Act and the resulting expansion of executive power, many questions have arisen over the legality and constitutionality of many U.S. actions, including its policies on detainment, information gathering, domestic security, and surveillance. Additionally,

opponents have criticized the indefinite detention of immigrants, the seemingly unmitigated search and seizure authority given to law enforcement officials, the expanded application of NSLs, and expanded government access to business and personal records. It further expands law enforcement powers against money laundering and terrorist financing, providing increased penalties for counterfeiting as well as increased cooperation between financial institutions and government agencies. The U.S. must not act as an explicitly aggressive and coercive agent abroad in pressuring nations to disrupt terrorist financing networks, but must use incentives and promises of funding and guidance in order to persuade these countries that cooperation is in their best interests. Long-term successes will ultimately be calculated and judged by the efficacy of government agencies and politicians in improving international cooperation, focusing the scope of the PATRIOT Act singularly towards counterterrorism investigations, and ensuring that America and its foreign policies promote a culture of progress and prosperity throughout the world.

The issue over government regulation of information accessibility between and among the public is a contentious one due to the longstanding position of the United States as a forebear of democracy and freedom of expression. However, in a world where boundaries are increasingly transformed by transportation and technology, the overwhelming need for more intricate preventative security measures may outweigh the need for individuals' rights to certain kinds of privacy. While The Patriot Act is a vital tool in counterterrorism operations, its unmitigated use must be countered by some form of judiciary oversight. Inherent to the debate are ideas of cost and benefit, as well as origins and ownership of information as dictated by property and privacy rights. Reactionary responses from individuals, activists, business owners, telecommunications providers, and even libraries punctuate the gravity of this debate. In order to fully exercise the capabilities of U.S. domestic intelligence gathering, it is imperative to develop intimate, interagency networks for file-sharing, interagency cooperation, and the development of organized, accessible mechanisms for

accessing information. A successful response to terrorist threats will not only encompass how we address the problems overseas, but also how we introduce, form, and sculpt the public debate at home.

Immigration, Border, and Transport Security

As can be seen with President Obama's new focus group on immigration, the topic is extremely prevalent in America today. A key policy recommendation that has already been taken into account is to simply reorganize, reevaluate, and rethink the way immigration as whole (including immigrants, security, borders, ports, travel, etc.) is dealt with. Of course there are differing opinions on what should be done to keep America safe post-9/11, but all in all, it is clear that a reactive strategy is not a successful deterrent of terrorism. Proactive, effective, fair immigration policies can be used to promote a healthy flow of immigration in the United States, as it is unrealistic to think that immigration will end if we use the correct tools to prevent it. More or less, with the assistance of a new focus group, the mass bureaucracy that immigration issues fall under – the Department of Homeland Security – needs to change its approach by understanding that immigration is fluid, but with a well-working, preventative team, policies can be used to keep America safe from outside terrorist attacks while also providing a home for the thousands of immigrants living within its borders. The Patriot Act, as one example of extremely influential immigration policy, could prove to be effective at deterring terrorism from American borders – if it were used wisely and within its original framework. Politics aside, the idea that the United States should have a more in-depth procedure of immigration is not so radical, as countries such as Israel have practiced such high standards for decades.

Part IV

It is beyond the scope of this report to identify the exact motivations that cause some individuals to resort to terrorism. However, this part of the report examines long-term policy possibilities that could lessen the appeal of the kind of extremism that generates terrorism. It is crucial for the United States to recognize but not to condone the rationality of terrorism as a tactic. This theme of political empathy is a critical first step in addressing the geopolitical grievances that motivate a small number of individuals to resort to acts of terrorism to achieve their goals.

A historical perspective on how the United States has responded to terrorist attacks against its interests and facilities is illustrative of how geopolitical interests in the Middle East have bred animosity among terrorist organizations. These interests are often rallying calls for terrorist acts perpetrated against the United States and our allies. A comparative view of how other countries have tailored their terrorist policies provides a number of lessons the U.S. government can learn. Realizing that terrorism is a global issue is necessary to begin to formulate a globally-oriented response, one that requires cooperation and dialogue among all nations.

Long-Term Solutions: Lessening the Appeal of Terrorism

The systematic use of violence to achieve political ends has become a common tactic among a wide variety of groups, from independence movements to a country's secret services. By studying

past cases of terrorist activity, we can suggest better formulate ways to protect our nation and decrease the occurrences of terrorism worldwide. By exploring ways to reduce violence and prevent new cycles of retaliation from continuing, we need to describe plausible alternatives that will address the threat of terrorism, deal with the roots behind terrorist activity, and ultimately reduce tensions to satisfy the need for justice. Since our military cannot eliminate terrorists through conventional war tactics and military secrecy, we must demand a more comprehensive policy on the part of the new administration to work more openly and more closely with the United Nations and other countries to further our ultimate goal of national and global peace.

We will focus our discussion first by giving examples of what other countries have done to on the counterterrorism front. By studying modern examples of democratic policy reforms and structure, our own government can strive to gain more international support through similar policies. Also, we will examine the different ways that intelligence agencies have been structured in other countries, because this will aid in reviewing the intelligence structure in the United States. After analyzing the UK, Spain, France, Israel and India, our analysis will shift to the United States in the pre-September 11th era and what lessons can be learned.

We argue throughout the section about the United State's response to terrorist attacks abroad before September 11th that awareness of past U.S. counterterrorist will help future administrations deal with current terrorism issues more successfully. The United States had never experienced international terrorism on its own soil before 2001 and the response to attacks abroad on US interests and embassies were far less harsh than the reaction to September 11th. Beginning in the 1970s, terrorist activities began to increase and during this time period, the United States began to increase its intelligence-gathering on different international terrorist organizations. For the purpose of this paper, we will be focusing on international relations through historical data and comparisons.

Since terrorism in part dictates the counter-terrorist response, governments continue to react to the nature of the given threat.¹⁸³ Searching for cause of the phenomenon of terrorism has proven to be a difficult task. By reexamining the way society views terrorism and proposing ways of refocusing counterterrorism efforts, we work towards policy proposals that reflect these desired goals. By studying the influence of the United Nations, for example, we will highlight the importance of maintaining the United States as an internationally-involved with the aim of increased communication and a better international perception.

We argue that in order for the United States to better address and respond to the threat of terrorism, it is crucial that there is greater communication and sharing between intelligence organizations, and an increase in international cooperation and social outreach programs to reach those who are marginalized within US society. The United States must begin to focus on the geopolitical grievances that cause terrorists to turn to killing innocent people to send messages of discontent. By joining with other states and international organizations to lessen the appeal of terrorism, the United States will have greater support, alliances and ideas with which to create policies. A multilateral approach to counterterrorism is the most productive way for the United States to continue the current administrations' fight to reduce terrorism and prevent terrorist attacks against the United States and around the world.

Lessons for the Future: A Study of the Past Policies by the United States on Terrorist Acts

Until the World Trade Center attacks on September 11, 2001, terrorism had never had a direct impact on the United States' territory, politics or social life. However, there were a number of

¹⁸³ Adams, James. *The Financing of Terror*. (New York: Simon & Schuster, 1986), 15.

major attacks that struck American interests or embassies within the last several decades. These were undertaken in preparation for a bigger terrorist attack against the U.S., the World Trade Center attacks of 2001. For the purpose of this section, we will first briefly cover some of the terrorist attacks against the United States outside its borders between 1979 and 2001 and the U.S. response. From these case studies, we have elucidated a pattern in which Iran has been implicated in most of the terrorist attacks on U.S. facilities outside the country. This section will examine some of the United States' reactive counter terrorism policies in the last several decades and how the United States can learn effective lessons from its past. Despite the fact that this section is organized by country, it is important to note that most of these countries are not direct terrorist supporters. However, this section is organized by the country in which a terrorist attack against U.S. facilities occurred. We suggest that awareness of past efforts to fight terrorism will provide a sense of what is effective and ineffective in the fight against those who use terrorist tactics.

Iran

Iran, Nov. 4, 1979: About 500 Iranian students seized the U.S. Embassy in Teheran along with about 90 hostages, including up to 65 Americans¹⁸⁴. The Iranian hostage crisis lasted 444 days until Jan. 20, 1981, when 52 remaining U.S. hostages were freed¹⁸⁵. The immediate U.S. government reaction was to halt oil exports from Iran, to freeze Iranian assets and investments, and to expel many Iranians living in the U.S.. President Carter ordered a military rescue mission, Operation Eagle Claw, which turned out to be a complete failure, resulting in the deaths of eight U.S. military personnel. Eventually, Iran released the hostages hours after Ronald Reagan's presidential inauguration on Jan. 20, 1981, but this crisis continues to affect Iran-U.S. relations up to this day.¹⁸⁶

¹⁸⁴ U.S. Department of State, *Diplomacy in action*, Iran Profile

¹⁸⁵ *Ibid*

¹⁸⁶ *Ibid*

This makes the United States' efforts to combat terrorist organizations difficult because Iran is an important geopolitical actor in the Middle East. U.S. policies toward Iran are ineffective and Iran has been supporting terrorism for the last 30 years.

Lebanon

April 1983: Sixty-three people were killed when a pickup truck loaded with explosives blew up at entrance to the U.S. Embassy in Beirut, demolishing most of the building. The dead included 17 Americans, while 40 Americans were wounded. At the time, a Shiite Muslim group calling itself the Islamic Holy War assumed responsibility for the attack. Reportedly, this group was receiving support from Iran and Syria.¹⁸⁷ The U.S. government took no military action.

October 1983: A suicide truck-bomb explosion went off at U.S. Marine barracks located at the Beirut International Airport, killing 241 U.S. Marines and wounding many others. The Marines had been sent to Lebanon to oversee and restore order during the Lebanese Civil War and the Israeli invasion of Lebanon in 1982. Hezbollah was suspected to have directed the attack with support from Iran, but Hezbollah denied involvement. At the time of this incident, the U.S. government planned a military action against Hezbollah but later reportedly aborted the mission due to concerns that a military action against Hezbollah would harm U.S.-Arab relations in the Middle East. This incident led to the withdrawal of an international peacekeeping force from Lebanon. This was a significant act since the U.S. declared its failure and withdrew its troops from Lebanon. In addition, in attempting to undertake a military action, the U.S. exhibited a willingness to take a more offensive approach to combating terrorist organizations.

¹⁸⁷ U.S. Department of State, Syria: Background and U.S. Relation, Updates February 26, 2008, Jeremy M. Sharp, Specialist in Middle Eastern Affairs, Foreign Affairs, Defense, and Trade Division

September 1984: the bombing of the U.S. Embassy annex in east Beirut killed at least 14 people, including two Americans and 12 Lebanese. Almost 70 people were wounded. According to the U.S. State Department's 1999 report on terrorist organizations, "elements of Hezbollah are known or suspected to have been involved in the bombing." The U.S. did not take any military action in response, yet it began covert operations in Lebanon against Hezbollah. Journalist Bob Woodward says "the CIA trained foreign intelligence agents to act as 'hit teams' designed to destroy the terrorists' operations."¹⁸⁸ The operation was not effective and President Reagan called off the covert operation later when Lebanese intelligence operatives allegedly trained by the U.S. detonated a bomb and killed over 80 people. This was another U.S. failure in counterterrorism because the U.S. intelligence was not able to carry out its covert operation effectively, and is again an example of a more offensive approach to counterterrorism.

Libya

In 1988, the bombing of Pan Am Flight 103 from London to New York caused a total of 270 fatalities. Early suspicions, according to press accounts, fell on the Syrian-based Popular Front for the Liberation of Palestine, General Command, or the government of Iran. The latter was suspected of seeking revenge for the U.S. Navy shooting down an Iran Air flight over the Persian Gulf in July 1988.¹⁸⁹ However, later accounts, including the report published by the State Department, did not blame Iran or Syria. According to the State Department's "Patterns of Global Terrorism, 1991," released in April 1992, the bombing of Pan Am 103 "was an action authorized by the Libyan Government."¹⁹⁰ This reason was one of the main elements that soured U.S.-Libya relations.

¹⁸⁸ Terrorist attacks on Americans, The attacks, the group, the response, 1979-1988 (accessed February 10,2009); available from <http://www.pbs.org/wgbh/pages/frontline/shows/target/etc/cron.html>

¹⁸⁹ The State Department, CRS Issue Brief for Congress, Libya May 2, 2005

¹⁹⁰ Terrorist attacks on Americans, The attacks, the group, the response, 1979-1988 (accessed February 10,2009); available from <http://www.pbs.org/wgbh/pages/frontline/shows/target/etc/cron.html>

There were many incidents of varying degrees of seriousness that damaged U.S.-Libyan relations in the past. The U.S. generally did not oppose Libya during the Cold War because Libya's Revolutionary Command Council was anti-Soviet. But U.S.-Libyan relations deteriorated by 1973 due to Libya's support for terrorist groups.¹⁹¹ In 1981, the U.S. ordered the Libyan diplomatic mission to close in Washington because the U.S. suspected that Libyan diplomatic personnel were involved in terrorist activities. In 1981, "the press reported that Libyan 'hit squads' had entered the United States to assassinate President Ronald Reagan."¹⁹² In return President Reagan banned U.S. travel to Libya and ordered U.S. citizens to leave Libya to avoid a hostage situation similar to Iran in 1979.¹⁹³ The 1986 Libyan-supported nightclub bombing in Berlin convinced President Reagan to undertake a military action against Libya. "Some 100 U.S. aircraft, including communications, reconnaissance, electronic warfare aircraft, and refueling tankers attacked two military complexes, two air bases, and a port in Libya. Libyan sources said 70 people were killed in the attack."¹⁹⁴ It was the first time that U.S. militarily attacked Libya, but Libya supported terrorism until U.S. started diplomatic relations with Libya. U.S. relations with Libya are significant to U.S. counterterrorism policy because they show how a switch from military to diplomatic actions helps improve international relationships, as well as how this transition has the potential to reduce the effectiveness of state- agent terrorism due to diplomatic cooperation.

Kuwait

In addition to the U.S.-Libyan incidents, there were several other terrorist attacks on American interests abroad in the 1980s. For instance, in 1983 the American embassy in Kuwait was

¹⁹¹ Paul R Pillar, *Terrorism and U.S. foreign policy*. (Washington, D.C.: Brookings Institution Press, 2001).

¹⁹² The State Department, CRS Issue Brief for Congress, Libya May 2, 2005

¹⁹³ The State Department, CRS Issue Brief for Congress, Libya: Background and U.S. relation, August 2008

¹⁹⁴ Ibid

bombed, six people were killed, and more than 80 others were wounded.¹⁹⁵ Later, a series of attacks included the American embassy, the country's airport, a main oil refinery, and residential area for American employees. These terrorist attacks were directed by the Al-Dawa party, a militant Islamic group. There are also allegations that Iran supported this attack because of the U.S.'s assistance to Iraq during the Iran-Iraq war of 1980-1988.¹⁹⁶ Therefore, it appears that the United States' involvement in the Middle East during the Iran-Iraq war was a primary cause that provoked a terrorist attack in Kuwait. The U.S. did not take any military action in retaliation, but it arrested 17 people, called the "Kuwait 17," who were convicted for participating in the attack. These 17 perpetrators were incarcerated in Kuwait. This incident became one of the main calls to action for plane hijackers and kidnapers of Western hostages in Lebanon.¹⁹⁷ This shows the interconnectedness of geopolitical actions in the Middle East: The U.S.'s involvement in the Iran-Iraq war spurred a retaliatory attack on the U.S. embassy in Kuwait. The subsequent conviction of the Kuwait 17 then became a rallying call for Hezbollah and other terrorist groups in the region.

Many kidnappings and hijackings occurred between 1982 and 1992, and many of the kidnapers demanded the release of the Kuwait 17. Some of these incidents include the kidnapping of the vice-president of the American University in Beirut, David Dodge, and the hijacking of Kuwait Airways flight 221 and TWA flight 847. Some of these attacks ended with tragedy. U.S. officials believed that Hezbollah was behind most of these terrorist attacks, with Iran's support. As a result, the Reagan administration devised a covert plan, the Iran-Contra affair. The scheme was to illegally trade American arms to Iran in exchange for freeing U.S. hostages. This covert plan was leaked to the public and turned out to be a failure as well as an international embarrassment for the

¹⁹⁵ 'Terrorist attacks on Americans, The attacks, the group, the response, 1979-1988 (accessed February 10,2009); available from <http://www.pbs.org/wgbh/pages/frontline/shows/target/etc/cron.html>

¹⁹⁶ Magnus Ranstorp, *Hizb'allah in Lebanon: the politics of the western hostage crisis.* (New York: St. Martin's Press, 1997).

¹⁹⁷ *Ibid*

U.S. government. This was a controversial issue due to the U.S.'s illegal gun trade to a terrorist state. It was also an embarrassment for the U.S. government because it did not stand by its ideals and laws, which state that it is illegal to trade with terrorist groups. This is significant because it demonstrates the U.S.'s continued attempts to use non-diplomatic means to combat terrorism and how these means continue to fail.

But more importantly, the U.S. embassy bombing in Kuwait shows the interrelatedness of geopolitical actions in the Middle East. It was one link in a vast chain of political actions and reactions that provoked terrorism. While we advocate a diplomatic, reactionary approach to handling terrorist acts, we realize the irony of the U.S. embassy bombing in Kuwait. Despite being a symbol of diplomatic relations, the embassy was targeted because of the United States' prior political involvement in the Middle East. It suggests that the United States should interact with Middle Eastern nations in a diplomatic, mutually beneficial manner.

Tanzania and Kenya

In 1998, the U.S. embassies were bombed in Tanzania and Kenya by Al Qaeda operators during the second term of President Clinton's presidency. 224 people were killed, including 12 Americans. In response, the U.S. bombed chemical and pharmaceutical factories in Sudan, which were supposed to be owned by Osama Bin Laden. The Clinton administration claimed there was evidence to prove that the factories produced chemical weapons. Later investigations proved that the intelligence was wrong and unreliable.¹⁹⁸ The significance of this failure is that it provides an example of how the U.S. has acted too quickly on the basis of faulty intelligence, in both Democratic and Republican administrations. This same lack of credible intelligence led to September 11, 2001 and the War in Iraq.

¹⁹⁸ U.S. Department of State, "U.S. Embassy Bombing"

In 2000, the second *U.S.S Cole* attack was a suicide bombing attack against the U.S. Navy destroyer while it was harbored in the Yemeni port of Aden. Seventeen American sailors were killed. The attack was organized and directed by Osama Bin Laden's terrorist organization with the support of Sudan.¹⁹⁹ During the 90s, Al-Qaeda attacked the U.S. more than Hezbollah and other Shiite extremist groups. This was significant in that it caused Al-Qaeda to come to the top of the U.S. counterterrorism policy agenda. Even so, the United States failed to gather accurate intelligence to stop future attacks and continued to ignore the full importance of Al-Qaeda.

Implications

There were more terrorist acts in the last thirty years than ever before, but the U.S. reaction remains unchanged. Few policies have truly worked; economic and social sanctions as well as military actions can sometimes have positive effects, but the majority of cases mentioned above have proven these policies to be ineffective. We propose that the U.S. government needs to learn from its past and apply some of its effective policies on other unsuccessful cases. To help understand U.S. diplomatic policies that have worked, we will compare U.S. relations with Libya and Iran.

By looking at the terrorism activities mentioned above, it can be seen that Hezbollah and Al-Qaeda were the main terrorism organizations that attacked the United States. We believe that "...terrorism cannot be defeated- only reduced, attenuated, and to some degree controlled."²⁰⁰ Therefore, the U.S. government will not be able to eliminate terrorism entirely. But the goal of counterterrorism should be to control and reduce terrorism. U.S. foreign policies toward Iran in the last decades have not been successful and have not helped to control or reduce terrorist attacks, and have perhaps even increased the motivation for terrorists to attack the U.S. One of the biggest breakdowns in U.S. counterterrorism policy is that the U.S. has continued to refuse to establish

¹⁹⁹ U.S. Department of State, *Pattern of Global Terrorism*, April 30, 2001

²⁰⁰ Paul R Pillar, *Terrorism and U.S. foreign policy*. (Washington, D.C.: Brookings Institution Press, 2001), 218.

diplomatic ties with Iran. There are some allegations that Iran supported some of the acts of terrorism perpetrated by Hezbollah or other Shiite terrorist organizations. It seems that U.S. counterterrorism policy is self-defeating by refusing to utilize the abilities of a potentially valuable ally.

The U.S. constantly responded to Iran in a hostile manner after the 1979 Islamic revolution and Iranian hostage crisis. The crisis has been described as the "pivotal episode" in the history of U.S.-Iranian relations.²⁰¹ The crisis also marked the beginning of American legal action and economic sanctions against Iran, which weakened economic ties between Iran and America.²⁰² Another diplomatic tactic that the U.S. government implemented was an effort to change the Iranian regime. These tactics have not helped U.S.-Iranian relations or U.S. relations with the rest of the Islamic world, and have had a detrimental effect on counterterrorism efforts.

We realize that it is unrealistic to think that terrorism will be completely eradicated. But, if the U.S. could develop effective diplomatic relations with Iran, it may be able to quell some Shiite terrorist acts carried out by Hezbollah.

There are several reasons that U.S. should consider reestablishing good diplomatic relations with Iran:

- Iran has supported Hezbollah and has influence on some Shiite terrorism, so Iran could possibly turn that influence to positive effects.
- Iraq, with a Shiite government, gets support from Iran, and again Iran has an influence on the Iraqi government, as well as on Lebanon and Palestine. This could lead to Iranian influence being turned into positive effects on non-Shiite and Hezbollah related terrorist organizations.

²⁰¹“Stephen Kinzer, Inside Iran’s Fury,” Smithsonian, October 2008.

²⁰² Herman Franssen and Elaine Morton, “History of U.S. sanction against Iran,” The Middle East Economic Survey, no. 34 (2002)

- Iran and the U.S. both share the same interests for containing and eliminating the Taliban and al-Qaeda, and both countries could be more effective in combating these threats by collaborating with knowledge and resources.

The U.S. government has created diplomatic relations with other nations believed to sponsor terrorism, such as Libya. As was mentioned before, there was deep animosity between the U.S. and Libya, and U.S. military action against Libya did not put an end to Libyan-sponsored terrorism. The U.S. even placed an economic sanction on Libya, and President Reagan listed Libya as a terrorist state. Finally, after many years of diplomacy and communication, the U.S. ended economic sanctions on Libya in 2004 and now permits its citizens to travel there. The two nations have started joint humanitarian projects, and Libya was even invited to open a diplomatic interest section in Washington. In addition, Libya is no longer listed as a state that sponsors terrorism after it paid compensation to the victims of Pan AM. This shows how diplomacy can turn a state sponsor of terrorism such as Libya into a more cooperative ally, one that now attempts to help the U.S. government combat terrorism.

The U.S. will not conduct effective counterterrorism policy unless it builds an environment where cooperation will be awarded in the international arena. Successful counterterrorism cannot be achieved solely through military or economic sanctions. The U.S. government needs to collaborate with other governments to help fight terrorism. The objective should not be to condemn people for past deeds, but to forge relationships to save lives in the future.

Different Approaches to Counterterrorism: A Study of the Policies of the United Kingdom, France, Spain, India and Israel

Though terrorism has threatened nations across the globe for years, the United States has only become cognizant of this threat in the last several decades. On the other hand, nations like the

United Kingdom, France, Spain, India and Israel have been working to eliminate the threat of terrorism since the mid-20th century and before. Each of these nations has developed extensive counterterrorism policies that deal with both domestic and international terrorist actions, and have implemented these policies in many different situations.²⁰³ We propose that an examination of these nations' counterterrorism policies could potentially provide new avenues of investigation and methods to improve the counterterrorism policies of the United States. This section will examine whether the United States can learn useful lessons from the counterterrorism policies of the United Kingdom, France, Spain, India and Israel.

We have chosen these particular nations as case studies for several reasons. First and foremost, each nation's style of government shows similarities to the United States government, and each is a democracy that is limited to some extent in the ways that it fights domestic terrorism threats by their laws. Granted, there are varying opinions as to the levels and types of democracies in some of these nations, as well as debate as to whether or not some of these nations can be considered full-fledged democracies. For the purpose of this analysis, on a counterterrorism policy level, we will consider each of these nations to be a democracy. Second, as mentioned above, each of these nations has a long history of fighting terrorism. Lastly, the histories and current policies of these nations' fights against the use of terrorist tactics provide examples of methods that have the potential to work in the United States, as well as methods and policies that will *not* work in the United States. These examples will show that centralization and coordination of intelligence agencies and civil, police and military authorities, development of stop and seizure policies, and outreach programs to both educate the populace and help decrease feelings of alienation among critical groups have all helped these nations combat terrorism effectively.

²⁰³ Ramraj, Hor, and Roach, *Global Anti-Terrorism Law and Policy*

The United Kingdom

To begin, the United Kingdom has dealt with terrorist threats for over a century.²⁰⁴ For the first part of the United Kingdom's fight to eliminate the use of terrorist tactics, almost all of the threats came from domestic groups. Starting in the 1990s the focus began to expand to include international terrorist threats.²⁰⁵ Despite the shift in focus, the base policies and special powers acts that shape the counterterrorism policies of the United Kingdom began to appear around the 1970s²⁰⁶ and grew out of the policies developed during the United Kingdom's fight against terrorist activities in Northern Ireland.²⁰⁷ Most of today's counterterrorism legislation started out as special emergency expansions of government powers intended to reestablish law. However, as the years progressed and the conflict in Northern Ireland continued, the continued existence of these emergency measures began to be justified to keep the peace in non-emergency situations, and some measures were integrated into the legal code of the United Kingdom.²⁰⁸

Some of the emergency measures that became regular law are evident today and are key pillars of the counterterrorism strategies in the United Kingdom. For instance, today the United Kingdom permits extensive use of stop, search, and seizure powers in order to hinder terrorist activities.²⁰⁹ These powers include the ability to detain suspected persons for twenty eight days without charge, as well as extensive abilities to stop both pedestrians and cars at any time if the police have any suspicion of connections of the vehicle or person to terrorism.²¹⁰ These and other powers represent part of the extensive body of legislation in the UK that deals with a four-pillared counterterrorism strategy designed to prevent terrorist acts, pursue suspected terrorists, protect the

²⁰⁴ Donohue, *Counter-Terrorist Law and Emergency Powers in the United Kingdom 1922-2000*: pg. xix

²⁰⁵ d'Appollonia and Reich, *Immigration, Integration, and Security: America and Europe in Comparative Perspective*. pg. 114

²⁰⁷ Ibid.: ch. 4

²⁰⁸ Ibid: pg. xxi.

²⁰⁹ "The Terrorism Act 2000."

²¹⁰ "Terrorism Act 2006 ."

populace from terrorist attacks, and prepare for future possible avenues of attack.²¹¹ These different pillars each attempt to disrupt terrorism by attacking organizations that fund terrorism, working on a social level to try and prevent the situations that lead to terrorism, providing accurate intelligence, and being prepared to minimize the impact of a terrorist attack and therefore minimize the accomplishment of a terrorist organization's goals.

Much of the United Kingdom's counterterrorism strategy has remained unchanged for decades. However, the United Kingdom has backed away from policies relating to the use of lethal force because the government has found that these tactics are often counter-productive, especially with regard to terrorist groups with nationalist ideologies.²¹² The legislative situation in the United Kingdom has also recently changed significantly. Specifically, additional "emergency powers" have been integrated into the regular "civil defense or protection legislation".²¹³ In addition to this, some anti-terrorism legislation was challenged in the courts because it focused on indefinite detention of foreigners suspected of being terrorists. Due to the challenges, the wording of the most recent Terrorism Act of 2005 was changed to get around the illegality of indefinite detention by making it applicable to both citizens *and* foreigners. In essence then, the most recent legislation embodied by the "Prevention of Terrorism Act 2005 was therefore meant to correct the act of 2001 by making what was unacceptable treatment for foreigners acceptable treatment for all suspects."²¹⁴

In addition to stop and search powers used by law enforcement agencies, the incorporation of special powers acts into regular counterterrorism law and the employment of legislation to indefinitely detain any citizen or foreigner suspected of being a terrorist, one of the major changes that the United Kingdom has made has not been in its policies, but rather in the structure of how the government approaches the threat of terrorism. Specifically, there has been a "shift to

²¹¹ "Counter Terrorism."

²¹² Ramraj, Hor, and Roach, *Global Anti-Terrorism Law and Policy*.

²¹³ Ibid.

²¹⁴ d'Appollonia and Reich, *Immigration, Integration, and Security: America and Europe in Comparative Perspective*

intelligence-based and proactive methods [with] the primary aim of preventing terrorist attacks, rather than responding to events and attempting to solve crimes after they occur.”²¹⁵ In other words, the UK has switched from a response-oriented to a prevention-oriented approach that focuses on improving intelligence-gathering methods as well as improving coordination between the different relevant branches of the government.²¹⁶ This prevention-oriented approach also works to eliminate the roots of terrorism and accordingly, the United Kingdom has developed social outreach programs designed to alleviate various minority groups’ feelings of ostracism from the rest of the population. Some of these programs include “supporting reform at home and abroad to tackle social disadvantages, inequality and discrimination that contributes to radicalization,” “detering people who assist or encourage terrorism and by changing the environment in which the extremists can operate,” and “challenging the ideologies that extremists use to justify violence by helping people who wish to dispute these ideas to do so.”²¹⁷ The government has also begun to heavily emphasize the importance of international cooperation due to the nature of terrorist organizations in an increasingly globalized world, as well as cooperation among police, civil and military authorities in order to ensure the quickest and most efficient response to terrorist threats and attacks.²¹⁸

From an examination of the United Kingdom’s policies, it is possible to suggest that there are several reasons for the government’s relative success in preventing terrorism. First, the extensive stop and search powers permitted to the police appear to make it difficult to transport illegal weapons or terrorists themselves.²¹⁹ Second, the coordination of relevant branches of the government, including the high levels of coordination among the intelligence services, allows for

²¹⁵ Ramraj, Hor, and Roach, *Global Anti-Terrorism Law and Policy*

²¹⁶ Wilkinson, *Homeland Security in the United Kingdom: future preparedness for terrorist attacks since 9/11*

²¹⁷ “Counter Terrorism.”

²¹⁸ Taillon, *The Evolution of Special Forces in Counterterrorism*

²¹⁹ “Countering International Terrorism: The United Kingdom's Strategy | Home Office.”

easy flow of information vital to the prevention and management of terrorist attacks.²²⁰ Lastly, the social outreach programs seem to help give an outlet for frustrations with the government as well as helping to bring ostracized groups into the fold of daily life in the United Kingdom. One particular policy from the United Kingdom that the United States should take a closer look at is establishing social outreach programs that tackle social disadvantages and discrimination, and challenge extremist ideologies, as these programs would help prevent ethnic minority groups from feeling marginalized from U.S. society and help eliminate some of the roots of terrorist motivations.

Spain

Spain has also had a long history of dealing with domestic terrorist threats, particularly threats from Basque separatist groups using terrorist tactics. Historically, Spain has dealt with these threats by attempting to eliminate funding sources for terrorist organizations and utilize their extensive stop and seizure police powers.²²¹ Today, the Spanish government continues to use both of these tactics in addition to other methods. Unlike the United Kingdom, however, terrorism and all policies dealing with prevention and punishment are defined in the Spanish criminal code rather than in specially enacted legislation.²²² However, many of the same extended police powers still exist, and suspects can be detained without communication for up to thirteen days.²²³ Also, Spain has legislation that essentially limits judicial restrictions on “domicile searches” and “interception of private communications” in terror cases.²²⁴ In addition, Spain has a special set of courts to deal with people who have been accused of terrorist activities, and the government has enacted expanded

²²⁰ Perliger, Pedahzur, and Zalmanovitch, “The Defensive Dimension of the Battle against Terrorism- An Analysis of Management of Terror Incidents in Jerusalem.”

²²¹ d'Appollonia and Reich, *Immigration, Integration, and Security: America and Europe in Comparative Perspective*

²²² Sunderland, *Spain: Setting an example? Counterterrorism measures in Spain*

²²³ Ibid.

²²⁴ van Leeuwen, *Confronting terrorism: European experiences, threat perceptions and policies*

deportation powers in order to immediately deport any non-Spanish citizen accused of having connections to terrorists or terrorist organizations.²²⁵

In addition to the judicial element of the system and increased police powers, the Spanish government has coordinated the counterterrorism branches of the military, the Guardia Civil (national police) and the local police on the enforcement end.²²⁶ The government also has a highly centralized and coordinated National Intelligence Centre (CIN), which was created to increase coordination of intelligence services after the September 11th attacks in the United States.²²⁷ Also, after 9/11, Spain developed enhanced airport security, airspace surveillance, and border security measures.²²⁸ After the successful terrorist attacks on the train systems were carried out by Islamic extremist groups in an incident known as M/11, Spain attempted to place stricter controls on mosques throughout Spain, which eventually resulted legislation that mandated registration of all religious places and leaders.²²⁹ In addition, the Spanish government maintains relations with nearby nations and nations across the globe to facilitate extradition of terrorist suspects held in other nations back to Spain.²³⁰ Essentially, the Spanish government focuses in four main areas: prevention of terrorist attacks through law enforcement techniques, international cooperation, interrupting financing to terrorist organizations, and banning organizations that support terrorism.

While Spain, like the United Kingdom, has experienced the disastrous effects of recent terrorist attacks, in general their counterterrorism policies appear to be successful. While successful terrorist attacks occur, many others are prevented. Like the UK, Spain's stop and seizure policies make it difficult to move terrorism-related goods and people. Also, Spain has a highly motivated and coordinated intelligence gathering system that helps prevent terrorist attacks by using and sharing

²²⁵ von Hippel, *Europe Confronts Terrorism*

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ van de Linde et al., *Quick scan of post 9/11 national counterterrorism policymaking and implementation in selected European countries*

²²⁹ von Hippel, *Europe Confronts Terrorism*

²³⁰ Sunderland, *Spain: Setting an example? Counterterrorism measures in Spain*

accurate intelligence. It is uncertain whether Spain's policies of religious registration will be successful. For the United States, the most important lesson to learn from Spain could be international cooperation, as Spain effectively uses international contacts to gain intelligence as well as to build positive relationships with home nations of terrorist organizations in order to ensure the extradition of terrorist suspects back to Spain.

France

France has followed two sets of counterterrorism policies, those from the years before 1980, and the policies from the years after 1980. These two sets of policies present two very different views about the best way to reduce terrorism. In the years preceding the 1980s, France attempted to remain "as neutral as possible with respect to the issues that motivated international terrorism... which could operate with impunity, as long as they did not perpetrate acts of terrorism within France or against French interests."²³¹ The French government was essentially a safe haven for terrorists and from terrorism, and saw terrorism as a foreign policy problem to be solved by diplomacy rather than domestic policy issue to be solved by law enforcement measures.²³²

Post-1980 policies on terrorism and the prevention and prosecution of terrorist acts present a very different picture. France passed the September 9th Act of 1986 that defined terrorism as "an infraction committed by an individual, or a group of individuals, aimed at seriously disrupting public order through intimidation or terror" and provided for the prosecution of these acts under French law.²³³ Terrorist acts could not only be prosecuted after 1986 under French law, but they carried some of the harshest penalties in the penal code if the suspect was convicted.²³⁴ While this legislation

²³¹ d'Appollonia and Reich, *Immigration, Integration, and Security: America and Europe in Comparative Perspective*

²³² Ibid.

²³³ van de Linde et al., *Quick scan of post 9/11 national counterterrorism policymaking and implementation in selected European countries*.

²³⁴ Ibid.

was an important part of the picture, France also started to change how it fought terrorism.²³⁵ The government began the centralization of a vast network of government agencies that each played different roles on the intelligence and law enforcement end of fighting terrorism. The goal was for each branch to operate independently, but to report back to the centralized apparatus, allowing for both coordination and flexibility.²³⁶ In addition, the counter-terrorist branches became a part of the Ministry of the Interior and the Ministry of Justice rather than the Ministry of Foreign Affairs.²³⁷

Currently, France has a multipronged approach that includes the specialization of departments on counterterrorism, a special coordination unit (*l'unité de coordination de la lutte anti-terroriste*, or UCLAT) that helps coordinate information among the different departments, a multi-level system of grading to help assess the level of readiness required to prevent a terrorist attack, and a focus on international cooperation.²³⁸ French legislation allows for extensive stop and search policing in addition to detention for up to four days without communication and preventative detention of terrorist suspects.²³⁹ France also has policies that encourage “the hiring of French citizens of North African origin and the recruitment of spies within terrorist cells in exchange for a reduction of their prison sentences,” and policies that follow a plan of “aggressive intelligence and destabilization operations (including the wide use of phone taps) against subversives.”²⁴⁰ These tactics have been very successful at eliminating terrorist networks within France, and have led to over 230 arrests since 2002.²⁴¹

France, like Spain and the United Kingdom, also allows its police extensive stop and search powers, and again these appear to be successful. In addition, their destabilization operations are extremely successful, as well as the practice of hiring citizens of foreign origins to aid in the French

²³⁵ Debat, “Terror and the Fifth Republic.”

²³⁶ Ibid.

²³⁷ d'Appollonia and Reich, *Immigration, Integration, and Security: America and Europe in Comparative Perspective*

²³⁸ “France-Diplomatie - Terrorism.”

²³⁹ d'Appollonia and Reich, *Immigration, Integration, and Security: America and Europe in Comparative Perspective*

²⁴⁰ Debat, “Terror and the Fifth Republic.”

²⁴¹ Ibid.

intelligence gathering processes. The counterterrorism branches of the French government are not only well coordinated, but are flexible and capable of acting quickly to respond to many different terrorism-related incidents. One lesson that France has learned that could greatly benefit the United States would be the extensive use of French citizens from foreign backgrounds to obtain intelligence and infiltrate terrorist networks. By utilizing a more diverse force, the United States would not only be able to gain more intelligence from different sources, but could eliminate some of the feelings of persecution that some groups perceive by recruiting them to help with government efforts to fight terrorism.

Israel

Ever since Israel gained its independence in 1948, the Israeli government has held itself in a state of readiness in an attempt to counter any actions taken against Israel, be they terrorist attacks or the first maneuvers in a war. This has led to the development of many interesting and sometimes controversial counterterrorism policies, such as Israel's "selected targeting policy."²⁴² This policy involves targeting selected individuals who are vital to the operation of a terrorist organization and eliminating the selected individual through the use of lethal force.²⁴³ It is highly contested, both in its legality and effectiveness. From a legal perspective, opponents contend that Israel is violating international human rights law and the right to life, while proponents point out that Israel considers the situation to be an armed conflict, where International Humanitarian Law prevails and therefore different legal definitions come into play.²⁴⁴ Despite the legal arguments, several studies show that this policy is effective in eliminating terrorist networks' capability, but not their motivation, which

²⁴² Luft, "The logic of Israel's targeted killing."

²⁴³ Plaw, "Terminating Terror: The Legality, Ethics, and Effectiveness of Targeting Terrorists."

²⁴⁴ Ibid.

tends to increase with targeted persecution.²⁴⁵ By eliminating key leaders and people in terrorist organizations, Israel throws these organizations into confusion due to a lack of quality personnel, and deters the appearance of new leaders.²⁴⁶ Studies also purport that it reassures the population by proving that the terrorists are not beyond the law.²⁴⁷

In addition to the selected targeting policy, Israel has a series of “vigilant security policies” that prevent as many terrorist attacks as are carried out²⁴⁸. These include encouraging the population to stay continually alert to suspicious people, items or actions, as well as utilizing an extensive number of volunteers in the police force to achieve the manpower necessary to protect the necessary places. Essentially, the government of Israel uses its civilian population as another arm of the government.²⁴⁹ The government also has an extensively coordinated intelligence network that freely shares information and provides the police with almost unlimited stop and search powers.²⁵⁰

Lastly, regarding crisis management, case work in Israel has shown that certain defensive methods of fighting terrorism help to significantly reduce both the effectiveness and magnitude of terrorist attacks.²⁵¹ Procedures like increased surveillance of attractive targets for terrorist attacks, “routinely conducted body and possession searches” and codified quick response procedures have made it possible for Israel to reduce the number of successful attacks, as well as mitigate the psychological effects on the populace after a successful attack.²⁵² Israel also attempts to have effective coordination and communication between law enforcement and medical personnel after a

²⁴⁵ Ibid.

²⁴⁶ Luft, “The logic of Israel's targeted killing.”

²⁴⁷ Plaw, “Terminating Terror: The Legality, Ethics, and Effectiveness of Targeting Terrorists.”

²⁴⁸ Lehrer, “Citizen Soldiers: What the U.S. Can Learn from Israel about Fighting Terror.”

²⁴⁹ Ibid.

²⁵⁰ Ibid.

²⁵¹ Perliger, Pedahzur, and Zalmanovitch, “The Defensive Dimension of the Battle against Terrorism- An Analysis of Management of Terror Incidents in Jerusalem.”

²⁵² Perliger and Pedahzur, “Coping with Suicide Attacks: Lessons from Israel.”

terrorist attack, making it easier to send the appropriate numbers of medical personnel through the safest and most efficient route to the scene of the attack.²⁵³

All of Israel's policies demonstrate an aggressive approach to counterterrorism, with a multi-pronged strategy that confronts terrorists, mobilizes the population, and effectively manages the scene of a successful attack. While some might say that Israel is not a good example for the United States to follow due to the multitude of successful terrorist attacks that have happened on Israeli soil since 1948, Israel has undergone a "process of learning from experience and drawing conclusions" that has led to a reduction in the size and effectiveness of terrorist attacks.²⁵⁴ As for potential recommendations for United States policy, the United States already has a much contested unofficial policy of "targeted killing" that has been challenged and condemned by legal experts and humanitarians, and the same constant state of vigilance required of the Israeli population is probably not necessary in the United States. However, the United States could investigate the feasibility of utilizing more volunteers in its police forces in order to cover more ground and increase surveillance of potential targets.²⁵⁵

India

Like Israel, India has faced both war and terrorist attacks since its independence in 1947.²⁵⁶ Unlike many other nations, India has faced many types of terrorism with different methods, including both religiously-motivated and non-religiously motivated terrorism.²⁵⁷ Much of India's counterterrorism policy stems from colonial times, but these policies have been adapted since India's

²⁵³ Perliger, Pedahzur, and Zalmanovitch, "The Defensive Dimension of the Battle against Terrorism- An Analysis of Management of Terror Incidents in Jerusalem."

²⁵⁴ Ibid.

²⁵⁵ Lehrer, "Citizen Soldiers: What the U.S. Can Learn from Israel about Fighting Terror."

²⁵⁶ Raman, "Counterterrorism: India, China, Russia Cooperation."

²⁵⁷ Ibid.

independence to suit the new types of terrorism that India began to face.²⁵⁸ In more recent times, India has passed several acts that deal with terrorism, though the most recent one was overturned for being unconstitutional and providing too much potential for abuse of powers.²⁵⁹ Currently the foundation of India's counterterrorism policy is in the 1967 Unlawful Activities Prevention Act that was strengthened when the Prevention of Terrorism Act of 2002 was overturned.²⁶⁰ This legislation allows for stop and search powers for the police, the use of specialized intervention forces and paramilitary groups to stop terrorist attacks, detention without charge and preventative detention, and the ability to "intercept communication including electronic, oral, and wire communication."²⁶¹

In addition to the legislation, the Indian government focuses on other ways to eliminate the use of terrorist tactics. First, they attempt to focus on long-term prevention by promoting practices of good governance, democracy, policing tactics, and economic development strategies as ways to lessen the appeal of terrorism.²⁶² The government also does not respond to attempted intimidation tactics of terrorists and will only negotiate with terrorist groups who pledge to give up violence.²⁶³ In addition, the government attempts to promote intelligence sharing among Indian states, but is still working to improve the current structure of the police and intelligence agencies which make it difficult for the effective flow of information to cross between departments.²⁶⁴ After the most recent attacks on Mumbai, many critics are calling for even more extensive restructuring of India's systems, particularly the intelligence gathering systems and the link that these and the police structures have to the bureaucracy of the Indian government.²⁶⁵

²⁵⁸ Ramraj, Hor, and Roach, *Global Anti-Terrorism Law and Policy*

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ Ramraj, Hor, and Roach, *Global Anti-Terrorism Law and Policy*.

²⁶² Raman, "Counterterrorism: India, China, Russia Cooperation."

²⁶³ Ibid.

²⁶⁴ Kaplan and Bajoria, "Counterterrorism in India."

²⁶⁵ Ibid.

Despite recent criticisms, most scholars think that India has managed to effectively protect its citizens from a multitude of varied terrorist attacks. Many of India's policies, especially those related to reducing the long-term motivations for terrorism, have great potential to succeed. These policies, as well as India's willingness to negotiate with terrorists once they have given up violent tactics, are positive approaches to counterterrorism policy, and when combined with more efficient intelligence structures, they should help reduce terrorist. The specific policy that should be examined for use in the United States from India's example is the use of negotiation to air grievances in the event that terrorist groups renounce the use of violence and terrorist tactics. While this policy has not necessarily been proven successful, it has also not been proven unsuccessful and therefore should not be dismissed before it is more thoroughly examined.

Implications for United States Counterterrorism Policy

Nations across the globe use various methods in their attempts to prevent terrorist acts on their soil and against their nation's interests. Despite the wide variation among the counterterrorism measures, some seem to hold true across all five of the counterterrorism strategies from the United Kingdom, Spain, France, Israel and India that were examined in this section. Some of these cannot work and should not be attempted in the United States due to issues of constitutional law and the general American refusal to give up certain dearly-held rights and freedoms. In particular, the extensive stop and search powers allowed the police branches of all five aforementioned countries would not work in the United States. The best precedent for this is the huge public outcry that has met the powers put forth by the USA PATRIOT Act, which are similar to other nation's counterterrorism policies, and have been highly contested and considered by many to be illegal and frightening.²⁶⁶ For example, the reduction of limits on wiretapping, similar to the laws in place in

²⁶⁶ "American Civil Liberties Union : USA PATRIOT Act."

Spain, have already seen extensive challenges, as have the reductions of the rights of non-citizens in that same act.²⁶⁷ In addition to legal issues, while stop and search policies work effectively in other nations, it is possible that the geographic size of the United States would make attempting to set up these systems impossible due to the amount of manpower needed and the amount of ground to be covered. Thus, any further attempt to expand police powers, no matter how effective it can be in preventing terrorist attacks, is probably not feasible for the United States.

Also, country-specific policies that have worked in the United Kingdom, Spain, France, Israel and India would probably be difficult to implement and could have negative effects. From Spain, it would be unadvisable to create a registration of religious groups and figures due to issues of constitutionality as well as general issues dealing with the geographic size of the United States that would make the scope of such a registry unimaginably huge. From Israel, it would be unadvisable for the United States to continue to employ selected killing measures, even without considering the legal issues, as these measures have been shown to increase terrorist motivation. Lastly, from India and France, based off of the public outcry and Supreme Court challenges to the legality of Guantanamo, it would not be a good policy to continue measures that employ preventative detention or detention without charge.

However, other methods used in all five case studies could help the United States develop a more effective and efficient counterterrorism policy. For instance, every nation examined in this report emphasized the importance of a unified and coordinated intelligence structure. This coordination allows for the efficient flow of information through different departments to those that can efficiently use the information. The United States should look into increasing the coordination between major intelligence gathering agencies, and perhaps look into creating a centralized body to receive the intelligence similar to the UCLAT program in France. In addition, all of the nations

²⁶⁷ “American Civil Liberties Union : USA PATRIOT Act.”

mentioned in this report realize to some extent the importance of social outreach programs and positive involvement with marginalized groups in society. If the United States government could reach out to different marginalized groups across the nation and make them feel included rather than ostracized, it could significantly reduce tensions among ethnic and religious minorities and improve the likelihood of those groups reporting suspicious activity among their own members as it has in other nations. Lastly, by returning to a more internationally cooperative mindset, the United States could gain more allies and develop new lines of communication and cooperation.

Terrorism is a very real threat in an increasingly globalized world. Not only can terrorists move with some ease between countries, but attacks can be planned in one place, carried out in another and use weapons from all over the world, all of which happens unnoticed. In such a world, the United States needs not only to look to nations across the globe that have fought terrorism for decades in order to learn how to improve our counterterrorism methods, but to cooperate with these nations in order to prevent those who seek to control the world through intimidation, fear and violence from winning the battle for lives of citizens across the globe.

Lessening the Appeal of Terrorism

If it can be argued that terrorism is not a result of poverty and lack of education, then there must be another reason for the increase of terrorism that began in the 1960s. First, there was the impact of Cold War policies and alliances that formed in the struggle between the United States and the Soviet Union. As the Cold War came to a close, the United States took the forefront in international politics and began to dictate the way in which global policy would be conducted. Today developing countries, particularly those that do not conform to Western models, find themselves increasingly excluded from international politics. We argue that it is necessary for the United States to understand the motivations behind terrorist action, instead of deeming all terrorist activity as illegitimate. If the grievances of a terrorist group can be identified and addressed without demonizing those who participate in terrorist acts, then the motivation to turn to terrorism will be reduced. Violent acts of terrorism will never be condoned. However, we would like to suggest that if the *motivations* of terrorist actions are legitimized and understood, the United States and other Western states will be forced to respond to the grievances of such organizations instead of dismissing them as the acts of irrational, blood-thirsty, immoral aliens. In this section, we will explore the ways in which demonizing terrorists only furthers the terrorists' goals and impedes the ability of states to combat terrorism.

The Dehumanization of the Terrorist

Terrorism is a tactic that is politically motivated and meant to instill fear into those who are affected by the violence. The reason for the attacks may be clear or may be challenging to determine. However, the violence is not without motivation and the perpetrators are not subhuman. The view held in the Western world, particularly in the United States and Britain, of terrorists as subhuman makes their causes or struggles illegitimate and incomprehensible. The issue becomes a struggle between good and evil, instead of the victims of attacks searching for the cause of terrorist violence.

It is essential to find the motivation behind terrorists' actions and this will enable countries to begin to lessen the appeal of terrorism. We would like to suggest that this dehumanization is one of the root causes of terrorism, and only by responding to the causes of each terrorist group will terrorism be reduced in the long term.

Matthew Carr, the author of *The Infernal Machine: The History of Terrorism*, explains that the representation of terrorists as alien enables the United States to treat terrorists as inhuman and lacking the ability for rational action. He states, "Official representations of 'terrorism' have often depicted its protagonists as a uniquely alien breed of humanity, driven by bloodlust, insane hatred or pure evil. From the point of view of mainstream society, even the most violent criminality seems more comprehensible than politically motivated homicide."²⁶⁸ By dehumanizing the terrorist, the tactical choice of inflicting harm through violence cannot be viewed as what they consider to be a viable means to a political goal. Terrorists view their actions and their tactic of violence as a rational way to obtain their desires. This is not to say that using terrorism as a tactic should be condoned or accepted. Rather, the conditions that provoke acts of terrorism should not be portrayed as actions inflicted by evil, insane actors. The actions may be evil, but we must understand them as their perpetrators do if we wish to understand how to fight against the underlying causes of terrorism. . Carr goes on to explain that "from the point of view of established authority, any violence directed against the state is unlawful and the concept of terrorism provides a convenient category of unacceptable violence through which its unconstitutional opponents can be stripped of political and moral legitimacy."²⁶⁹ After the attacks of September 11, 2001, President George Bush told Congress that nations either had a choice to join with the United States or they would be deemed terrorists by

²⁶⁸ Matthew Carr, *The Infernal Machine: A History of Terrorism, from the Assassination of Tsar Alexander II to Al-Qaeda*. (New York: The New Press, 2007), 1.

²⁶⁹ Carr, 5.

their lack of allegiance.²⁷⁰ Terrorism becomes a term that can be used to describe particular behavior that has been deemed deplorable. Terrorism or terrorist are buzzwords that reinforce propaganda about that particular form of politically motivated violence. In order for the United States to adequately address terrorist threats, the primary political concerns of the attackers must be researched and acknowledged.

What Makes a Terrorist?

The reasons that some people resort to terrorism are not directly clear. Alan Krueger, the author of, *What Makes a Terrorist: Economics and the Roots of Terrorism*, argues that terrorism is not caused by poverty or lack of education and that providing economic incentives and schooling will not halt the spread of terrorism. He explains that many terrorists come from more economically prosperous communities, although there may be poverty within their country of origin. Krueger states that, "...many turned to a simple explanation: economic deprivation and a lack of education cause people to adopt extreme views and turn to terrorism."²⁷¹ Explanations such as poor education, poverty and lack of democracy, or the catchall 'they hate our way of life and freedom' were used by President George W. Bush and Prime Minister Tony Blair to explain September 11, 2001 and the terrorist attacks that followed in its wake.²⁷² However, scholars and even the *9/11 Commission Report* stated plainly that a person's decision to turn to terrorism is not a result of poverty.

Terrorist organizations have been depicted as illogical, but they perceive their tactics to be rational. In other words, terrorism is a "form of political behavior resulting from the deliberate choice of a basically rational actor, the terrorist organization."²⁷³ It is necessary to take into account

²⁷⁰ Carr, 3.

²⁷¹ Alan B. Krueger, *What Makes a Terrorist: Economics and the Roots of Terrorism* (Princeton: Princeton University Press, 2007), 1.

²⁷² Krueger, 2.

²⁷³ Martha Crenshaw, "The Causes of Terrorism," *Comparative Politics* 12, no. 4 (Jul. 1981), 380.

the environment in which terrorism occurs and the psychological variables involved when a person chooses terrorist actions. Terrorism often does not stem from mass societal discontent, but that “more often it represents the disaffection of a fragment of the elite, who may take it upon themselves to act on the behalf of a majority unaware of its plight, unwilling to take action to remedy grievances, or unable to express dissent.”²⁷⁴ Many terrorist groups respond to the inequality they see around them and act out in order to achieve change. Instead of terrorists coming from poverty where many are unable to react to injustices because they are concerned about their day-to-day existence, many terrorist leaders come from wealthy backgrounds. Terrorism is not about a violent personality or inherent social deviance. Instead, if a person sees the state or an outside force as being unfair and corrupt then fighting against that state may seem justified. Therefore, the United States should stop focusing on education and poverty, and instigate policies that encourage greater outlets for citizens to express their political grievances.

Western countries are frequently targets of terrorists’ attacks because of their international influence and not a result of their wealth. Krueger explains that, “terrorists are motivated by political goals that they believe are furthered by their actions. The West is often a target – not because it is rich, but because it is influential and because terrorism has a greater chance of succeeding when it is perpetrated against a democracy than an autocracy.”²⁷⁵ The Western view that terrorism is motivated by a lack of education possibly stems from the belief that economic circumstances are a more powerful motivator than ideological grievances. Krueger argues that terrorists are motivated by geopolitical reasons and that their targets and actions are meant to change the political behavior of Western states. In certain instances, countries in the Middle East may be frustrated with the United States’ policies in the region. . He explains that, “If we acknowledge that terrorists are motivated by

²⁷⁴ Crenshaw (1981), 396.

²⁷⁵ Krueger, 4.

geopolitical grievances instead of desperation, then we have to confront their grievances.’²⁷⁶ The goal of a terrorist is to make a statement through violence that cannot be ignored. Frustration at social, political and economic issues may be grave enough to encourage a group to use terrorism as a tactic to express their frustration. As Krueger explains, it is the responsibility of countries that are affected by threats of terrorism and terrorist attacks to acknowledge the complaints of the attacking organization in order to work towards peace.

Goals of Terrorists

The most common outcome of a terrorist attack is to bring international attention to the grievances and possibly goals of the terrorist organization. Scholars have outlined four successive goals that terrorist organizations hope to accomplish. The first goal is to recruit support within the domestic population. This enables a terrorist group to accomplish greater levels of insurrection. Second, the group desires to draw the attention of the international community through attacks or bombings. Third, the terrorist group desires to obtain international legitimacy and be regarded as an organization whose demands should be recognized. Last, the terrorist organization hopes to gain political concessions from the group it is at odds with.²⁷⁷ Frequently the last demand is not fulfilled because terrorist groups do not obtain legitimacy and as a result their grievances are ignored. Taking these motivations into account, the United States should look at attempting to cut off terrorist organizations at the root, in terrorist organizations’ efforts to gain support from the population.

Causes of Terrorism?

²⁷⁶ Krueger, 51.

²⁷⁷ Gerard Chaliand and Arnaud Blin. *The History of Terrorism: From Antiquity to Al Qaeda*. (Berkeley: University of California Press, 2007), 40.

Terrorism has arisen as a tactic of violence that has been used increasingly since the 1960s. Society on all levels has become more complex and interconnected as a result of modernization, which creates both opportunities for terrorism and vulnerability to terrorist attacks. As areas become more urban and aggregated, the accessibility of targets of terrorism and accumulation of new methods of violence and terrorist attacks become more available. There are two conditions that can be correlated with the causes of terrorism. First, grievances—socially, politically or ethnically based—predominantly affect a smaller minority within a larger population. This may be an ethnic minority that believes the majority is discriminating against it or a country that feels that it is being oppressed by a larger and more powerful country. It is beyond the scope of this report to understand why terrorism exists in each group and to understand each specific grievance, but it is crucial to be aware that terrorists are responding to perceived injustice. The second condition is the lack of opportunity for political participation. Political regimes that stop citizens from obtaining social power and persecute those that dissent create large amounts of public dissatisfaction.²⁷⁸ Terrorists often are a group of disaffected elites who chose to act on the behalf of a wider group whose input or approval has not been asked for. Many in the wider population may not approve of the behavior of a terrorist group, although the organization believes it is acting on their behalf.²⁷⁹

Domestic terrorism may be considered an attractive tactic to groups that are struggling against their government regardless of ideological persuasion. Organizations that desire to “dramatize a cause, to demoralize the government, to gain popular support, to provoke regime violence, to inspire followers, or to dominate a wider resistance movement, who are weak vis-à-vis the regime, and who are impatient to act, often find terrorism a reasonable choice.”²⁸⁰ A terrorist act can be quickly put together, depending on its size, and provokes an immediate response and action

²⁷⁸ Crenshaw (1981), 383.

²⁷⁹ Crenshaw (1981), 384.

²⁸⁰ Crenshaw (1981), 389.

by the government. If there was a greater capacity for people to voice their discontent with the government without facing retribution, domestic terrorist attacks might decrease.

The Perceived Link between Islam and Terrorism

The view in the Western media is often that terrorism and Islam are intrinsically linked. In particular, violence by terrorist against the West is always by a Muslim perpetrator. This report argues that terrorism needs to be seen outside the context of Islam, but also acknowledges that there is a relationship between U.S. foreign policy and Islamic terrorism. The West has become a dominant political force throughout the years, and after the Cold War, the United States was viewed globally as the political and economic hegemon. It is true that the only attacks on United States soil have been perpetrated by radical groups from the Middle East; therefore the U.S. has used this connection to label Islam the religion as closely associated with terrorism, a tactic of violence.

The Role of the Media in Spreading Terror

Terrorist attacks are meant to be spectacles that gain the attention of a larger audience. Violence and bloodshed is meant to instill fear within a community. For many terrorist groups, the attention that they receive may be their ultimate goal. As a result, the media attention that a terrorist attack receives heightens the fear and interest of the targeted population. The repeated airing of terrorist attacks perpetuates the terrorist goal of psychological warfare and in certain cases encourages imitators.²⁸¹ The media also use previous terrorist attacks to reinforce the link between Islam and terrorism and create a general state of fear among a population. The media in fact, further the goals of terrorists' organizations because they enhance the psychological impact through constantly replaying and speculation about hypothetical attacks.

²⁸¹ Chaliand, 249.

Terrorists choose to attack civilians because it will have the greatest psychological impact. The practice of attacking civilians derives from the “general evolution of political structures and the emergence of the mass media.”²⁸² By attacking a person who is not immediately involved with terrorist goals, an attack is more terrifying to the general masses. The tragedy of September 11 was made all the more horrific because many Americans felt that they could identify with the people flying on the planes or working in an office building. Terrorist organizations also choose to attack democracies because “the political legitimacy of a democracy and its elected representatives lies by definition with its citizens.”²⁸³ An attack on the citizens of a democratic country can spur their government to act, and the media within the country is able to broadcast the event more widely because of the protections on free speech and the press. While it is important for citizens to be aware of an attack, using the attack to create stereotypes about religions or to incite fear after an attack has been perpetrated is ineffective. In many cases, if media covers a terrorist attack for an extended period of time after it occurs, it can sensationalize nonexistent terrorist activity and contribute to a pervasive climate of fear. Therefore, the United States government should work with the media to develop specific guidelines in the event of an attack to limit the psychological impact of terrorism and at the same time be able to warn their population about an attack.

Conclusion

Terrorism has been a tactic used for centuries and is not likely to vanish without changes within international policy. Terrorism is also not a method of violence that can be fought against; there can be no war on terror. Instead, the grievances that cause terrorist groups to form and adopt terrorism as the most viable approach must be addressed. In each case, these problems differ and there is not a blanket solution to address them. The two most important goals of terrorist

²⁸² Chaliand, 8.

²⁸³ Chaliand, 8.

organizations are to be internationally recognized and have their demands met. If the groups are not viewed as legitimate and their claims are ignored because they are believed to be sub-human or pure evil, then the international community cannot interact with them on any level. Former President George Bush's proclamation that "you are either with the United States or with the terrorists" shows that this issue can be interpreted as a choice of good or evil, black or white, when the issue falls much more in the middle. The first step is to view terrorism as a tactic with a motivating political goal, the primary purpose of which is to obtain international recognition for the grievances of certain parties. Once terrorism is seen as a response to what is believed to be political injustice and not the actions of a deranged group of people, international political action can be taken.

The Relationship between the United Nations and the United States to Fight Terrorism

Terrorism is a threat to all states, as well as to the United Nations as a whole. New aspects of the threat including the rise of a global terrorist network, and the potential for terrorists' use of nuclear, biological or chemical weapons require new cooperative responses. The UN has not done all that it can. The United Nations needs to forge a strategy of counterterrorism that is respectful of human rights and the rule of law. In 2001, The United Nations General Assembly released a statement noting that they collectively, "strongly condemn all acts of terrorism as criminal and unjustifiable, wherever and by whomsoever committed".²⁸⁴ Member states are called upon to enact appropriate domestic legislation to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of all criminal acts, including terrorist acts. Obviously enacting appropriate domestic legislation is complicated and requires an immense amount of cooperation and openness. This has led to calls for the creation of a UN High Commissioner for terrorism to coordinate all of these initiatives, and a G8 heads of State summit statement in July 2006 called for a more coherent UN counterterrorism program and response to the threat.

Much of the discourse on counterterrorism focuses on what organizations like the United Nations cannot do, which includes serving as mechanisms for intelligence sharing and directly facilitating operational cooperation, rather than on what they *can* do and *must* do to address the multidimensional facets of terrorism.²⁸⁵ Since there are now 16 new international treaties that criminalize nearly every imaginable terrorist offense and international standards have been developed in areas such as aviation, maritime and port security, and the development of travel documents, it is important to begin to streamline these treaties.²⁸⁶ Within different parts of the UN, whether in areas such as development, human rights, or education, contributions to addressing some of the underlying conditions that may give rise to terrorism all assist the goal of both the United

²⁸⁴ UN Chronicle. *A Comprehensive Action Against Terrorism*. (Issue 3, 2001).

²⁸⁵ James Adams. *The Financing of Terror* (New York: Simon & Schuster, 1986), 34-40.

²⁸⁶ Dominic McGoldrick, *The Permanent International Court* (Hart Publishing 2004).

States and United Nations in fighting terrorism. The UN's seal of approval can offer legitimacy to a wide range of counterterrorism programs and initiatives, thus reinforcing the efforts of the United States and other countries outside of the UN. Development has to be the first line of defense for a collective security system that takes prevention seriously. It has been argued that terrorists are not specifically poor or under-privileged, and are often wealthy and well educated.²⁸⁷ However, combating poverty will not only save millions of lives but also strengthen States' capacity to combat terrorism, organized crime and proliferation.²⁸⁸

We propose a clear and direct increase in support by the United States to the functions that the United Nations can and should play in promoting international diplomacy and connecting its member states in a peaceful way. Our perspective is that in the globalized world today, finding common ground through the forum of the United Nations can serve as a useful mechanism to work towards better communication and safety worldwide. The purpose of this section is to address the need for more comprehensive efforts on the part of the United States government to increase work with the United Nations on counterterrorism efforts. Although the UN itself may not often directly be able to deal with terrorist organization, it can work with its member states to facilitate community development and international security.

The rapid increase in the number of bodies, from new NGOs to new tribunals, active on the counterterrorism plane since 2001 has led to a growing need for greater cooperation, coordination, and information sharing to create the most cost-effective and timely solutions. While there is great potential for multilateral bodies to contribute, their performance since September 2001 has been uneven and disorganized. Although the events of 9/11 energized a number of regional bodies to become engaged and increase their commitment to counterterrorism activities, the responses have

²⁸⁷ Alan B. Krueger, *What Makes a Terrorist: Economics and the Roots of Terrorism* (Princeton: Princeton University Press, 2007),

²⁸⁸ Amartya Sen, *Development as Freedom*. (Oxford University Press, 1999).

varied greatly. One of the main problems with this engagement is that many are under-funded, providing few if any legitimate resources for counterterrorism. In order to promote the global framework as decided by the Security Council's Counterterrorism Committee (CTC), "Member States through the General Assembly have been increasingly coordinating their counterterrorism efforts,"²⁸⁹ which has highlighted the need for a more encompassing approach.

Past Presidential Policy on the UN and ICC

By looking at what both the Clinton and Bush administrations have done on the topic of the International Criminal Court, we will gain further background to the current situation that the Obama administration will face. It was the United States that first proposed the creation of an International Criminal Court (ICC) under President Clinton. While this process was underway, ad hoc tribunals were created to deal with different atrocities that had taken place in different regions—both in Africa (The International Criminal Tribunal for Rwanda) and in the former Yugoslavia (The International Criminal Tribunal for the former Yugoslavia).²⁹⁰ The Clinton administration participated actively in negotiations toward the International Criminal Court treaty, seeking Security Council screening of cases.²⁹¹ If adopted, this would have enabled the U.S. to veto any dockets it opposed. When other countries refused to agree to such an unequal standard of justice, the U.S., in light of realizing it would not get exactly what it wanted, campaigned to weaken and undermine the court. In what was seen as a very bold move in international politics, in 2002, the Bush administration unsigned the treaty.²⁹²

Importance of the International Criminal Court

²⁸⁹ UN *Action to Counter Terrorism* (accessed February 9, 2009); available at www.un.org/terrorism.

²⁹⁰ Lee Feinstein, *Council on Foreign Relations* (October 5, 2005).

²⁹¹ Global Policy Forum: U.S. *Opposition to Criminal Court*.

²⁹² Daniel B. Prieto *War About Terror* (Council on Foreign Relations 2009).

Although clearly controversial, the use of the International Criminal Court to prosecute war criminals should be seen as a mechanism to be used in the future to facilitate inter-state efforts to fight terrorism and prosecute those who commit terrorist acts.²⁹³ The United States government has historically opposed an international court that could hold U.S. military and political leaders to a uniform global standard of justice. As explained throughout this section, there are ample provisions in the Rome Statute designed to protect a mature democracy's capacity to engage in legal self-regulation and self-policing while still maintaining support for the efforts of the International Criminal Court.

On July 17, 1998, the Rome Statute was signed, establishing a permanent international criminal court with a seat in The Hague.²⁹⁴ After the sixtieth ratification, the Statute passed on July 1, 2002, in accordance with Article 126. Article 1 of the Rome Statute states that “the Court shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern.” These crimes of international concern include genocide, crimes against humanity, and war crimes, and after much debate, crimes of aggression. However, the ICC will not exercise jurisdiction over the crime of aggression unless agreement is reached regarding how to define the crime and regarding the conditions for the court’s exercise of jurisdiction over it.

It is important to note the intended neutrality of the International Criminal Court when arguing for future effectiveness. In accordance with Article 36, judges will be selected according to an equitable geographic representation, thus eliminating the possibility for any dominant control over decisions by one singular state.²⁹⁵ The question of how to categorize terrorist crimes in the judicial system has come up in much discussion on the legality of convicting terrorists. The ICC outlined this exact dilemma in Article 7 and noted that the possibility of crimes against humanity

²⁹³ Olympia Bekou and Robert Cryer, *The International Criminal Court* (Ashgate Publishing, 2004).

²⁹⁴ Rome Statute of the International Criminal Court, 37 I.L.M. 999 (1998).

²⁹⁵ John T. Holmes, *National Courts versus the ICC*, (The Rome Statute, A Commentary, Volume 1).

occurring in the context of an organizational policy; thus, customary international law today now includes non-state actors such as terrorist organizations.²⁹⁶

Challenges and Arguments against the ICC

Military Influence

It has been argued from the military's perspective that the ICC is a potential threat to the command authority of military officers because soldiers are trained to reject orders they believe to be violations of international law. Thus, the notion that a soldier could be prosecuted is argued to jeopardize the military's chain of command.²⁹⁷ During the Clinton administration's support for the ICC, there was a conservative movement arguing that Clinton was "anti-military." Contrarily, the Bush administration began in 2001 publicly saying it would not cede interests to international bodies. However, the Bush administration moved from a posture of active opposition to the very existence of the court to a position much closer to what the Clinton administration adopted in its last days. The Bush administration acquiesced to the court's existence even though it had problems with its conception by agreeing to the UN referral of Sudan to the ICC.²⁹⁸ It is true that this court has never before been able to become what it was meant to become. However, this argument alone is not reason enough to completely abandon the future prospects of creating an International Criminal Court.

According to the Rome Statute, which established the International Criminal Court, "war crimes" are defined to include fifty separate acts that violate the Geneva Conventions, international law, or the laws and customs of war. They include murder, torture, "causing great suffering, or serious injury to body or health," "depriving a prisoner of war or other protected person of the

²⁹⁶ Paul W. Kahn *Why The United States is so Opposed* (accessed February 5, 2009); available at crimesofwar.org.

²⁹⁷ Julian Schofield *Militarization and War* (Palgrave Macmillan 2007).

²⁹⁸ Marlies Glasius *International Criminal Court: A Global Society Achievement* (Taylor & Francis 2005).

rights of fair and regular trial," illegal deportation, unlawful confinement, the taking of hostages, and "committing outrages upon personal dignity, in particular humiliating and degrading treatment."²⁹⁹ If we accept that definition, then, military and CIA personnel have committed acts that constitute war crimes under international law in the "War on Terror" since 2001.³⁰⁰ These were not, as Donald Rumsfeld contended at the time of Abu Ghraib, isolated acts committed by rogue personnel. Since men and women on the ground committing these abuses did so with the full authorization and support of the Bush Administration, the decision of who is considered at fault is obviously complicated and will require increased accountability to be placed on the men and women giving orders to commit war crimes under the pretenses of "fighting terrorism."

Office of War Crimes Issues (OWCI)

The OWCI was created by ex-Secretary of State Madeline Albright to support the International Criminal Tribunals for former Yugoslavia and Rwanda.³⁰¹ The Office's first ambassador, David Scheffer, headed the U.S. delegation to the Rome Conference that created the International Criminal Court. It was his leadership that led to the Rome Treaty's definition of war crimes. The Office of War Crimes Issues advises the Secretary of State directly and "formulates U.S. policy responses to atrocities committed in areas of conflict and elsewhere throughout the world."³⁰² However, the Bush Administration made OWCI complicit of its own war crimes apparatus. Since September 11, OWCI has been responsible "for negotiating the repatriation, to their home countries, of individuals detained by the United States for their involvement in terrorist activities." Whenever the Administration discovers that someone it has tortured or mistreated is, in fact, innocent, it turns to the OWCI to make the arrangements to send that person home, showing the importance of this

²⁹⁹ Tim Stephens *International Criminal Law and the Response to International Terrorism* (Sydney Centre for International and Global Law 2006).

³⁰⁰ Jane Mayer, *The Dark Side* (New York: Random House, 2008).

³⁰¹ Mira Banchik, *The International Criminal Court and Terrorism* (Peace Studies Journal, 2008.)

³⁰² *Office of War Crimes Issues* (accessed February 10, 2009); available at state.gov/s/wci.

branch in an effort for international diplomacy.

United Nations and ICC Effectiveness

There are several United Nations General Assembly resolutions and declarations concerning terrorism. It is important to note that as resolutions or declarations of the General Assembly, they do not have legal effect and thus, are not binding on the United Nations member states. However, they are not completely irrelevant because they have the status of recommendations, which can serve to create international precedence.³⁰³ In 2002 at the fifty- seventh session of the United Nations General Assembly, the report of the Policy Working Group on the United Nations and Terrorism stated that international terrorism could be decreased if the ICC would try the most serious crimes committed by terrorists.³⁰⁴ Previously, on September 28, 2001, the Security Council adopted Resolution 1373 under Chapter VII of the UN Charter, obligating States to implement more effective counterterrorism measures at the national level and to increase international cooperation in the struggle against terrorism. This resolution created the Counterterrorism Committee (CTC) to monitor action on this issue and to receive reports from States on measures taken. Former High Commissioners urged the UN to take account of human rights in its review of counterterrorism measures. Mr. Vieira de Mello, speaking to the CTC in October 2002, stated his conviction that "the best - the only - strategy to isolate and defeat terrorism is by respecting human rights, fostering social justice, enhancing democracy and upholding the primacy of the rule of law." Since then, the CTC and the UN Human Rights Committee have exchanged briefings on their working methods and areas of concern.³⁰⁵

The International Criminal Court came into being on July 1, 2002, ratified by 90 nations in the

³⁰³ Boaz Ganor, *Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?* (accessed February 14, 2009); available at <http://www.ict.org>.

³⁰⁴ *Report of the Policy Working Group on the United Nations and Terrorism*, U.N. (accessed February 13, 2009); available at <http://www.un.org/terrorism/a57273.htm>.

³⁰⁵ *UN Human Rights Committee*, (accessed February 9, 2009); available at <http://www.unhchr.ch/terrorism/index.html>.

United Nations. The Relationship Agreement of October 2004 between UN and ICC acknowledges that, "the International Criminal Court is established as an independent permanent institution in relationship with the United Nations system." The ICC's subject matter jurisdiction encompasses the most serious crimes of international concern. Terrorism certainly falls within that category.

International Partnerships

The Security Council's efforts to protect fundamental human rights while countering terrorism are guided by its resolution 1456 (2003), which declared that "States must ensure that any measure taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law."³⁰⁶ The United States Government Accountability Office (GAO) released a report in 2008 focused on enhancing U.S. partnerships to counter transnational terrorism. The report argues that the United States needs to "strengthen and work with its coalitions and partnerships to facilitate appropriate solutions to the challenges posed by transnational terrorism."³⁰⁷

The partnerships that the U.S. government, foreign, and nongovernment representatives said they are engaged in during the 2008 U.S. (GAO) conference include information and intelligence sharing, training and on the ground assessments, as well as increased cultural knowledge of specific regions to take into account the varying nature of counterterrorism activity.³⁰⁸ All these examples continue to lend support to the argument of increased cooperation between governments, specifically the United States government with the United Nations and other foreign bodies. Since the 9/11 attacks in 2001, the Bush administration and Congress repeatedly stated that destroying terrorist threats and closing terrorist safe havens were one of the nation's most critical security

³⁰⁶ RESOLUTION 1456 (accessed February 2, 2009); available at www.unhcr.org

³⁰⁷ *Intelligence Reform and Terrorism Prevention Act of 2004*, (December 17 2004); the *National Strategy for Combating Terrorism* (September 2006).

³⁰⁸ *Enhancing U.S Partnerships in Countering Transnational Terrorism* (accessed February 18, 2009); available at www.gao.gov.

goals.³⁰⁹ Carrying this focus into the Obama administration's goals will be of utmost importance to increase counterterrorism efforts and cooperatively work with other countries and agencies.

Conclusion

During the Obama campaign, many news articles sought to predict the relationship that Obama would strive to have with the United Nations. Dozens of U.S. foreign policy leaders, including Democratic and Republican ex-Cabinet members, urged the incoming Obama administration to strengthen ties with the United Nations. In a statement to appear in a full-page advertisement in *The New York Times*, they identified priorities for Obama that could boost international cooperation via the United Nations. "The U.N. cannot succeed without strong U.S. leadership and support," the advertisement said. "This investment will pay off substantially by helping to enhance our standing internationally and strengthen our ability to keep America safe and strong."

Ultimately, the U.S. is still vital to the success of the United Nations, and the U.S. clearly needs to find better ways to work with the UN. The U.S. would not cede its sovereign authority by complying and working with the UN and ICC, but rather would exemplify a functioning democracy working toward a more cooperative and safe global environment. International law has generally been associated with different states' actions with each other. However, these lines between state and non-state actors are continually blurred and mark a new starting point in the discourse on international law. As the host state for the United Nations headquarters, it is increasingly important for the United States to send an international message of solidarity with the United Nation's general functions and recommendations. While issues such as veto power and Security Council membership remain highly controversial, the new administration's goal of a more international approach to

³⁰⁹ *National Strategy for Combating Terrorism* (U.S. State Department, published February 2003).

combating terrorism, and the acknowledgement of the interconnected environment we face today will only increase the chances of change and understanding between states, combatants, and potential enemies.

The Obama administration can be expected to execute homeland security and counterterrorism policy in a substantially different way than the Bush Administration. The arguments made in this section have sought to highlight the potential role the UN will play in the Obama administration's fight against terrorist organizations. Clearly, the controversy surrounding these topics is immense, yet this fact alone does not mean we should disregard the largest non-governmental body in the world and turn inward to solve our problems. We should work to change our national focus *and* to become more interconnected to, and understanding of, foreign countries—both friends and foes. This year brought stark reminders that the mere establishment of international treaties barring war crimes and other atrocities does not always translate into action against violations of the law. It will take work and patience to change this system, but it can be done.

**Recommendations to Lessen the Appeal of Terrorism,
Increase International Cooperation, and Streamline Domestic
Counterterrorism Networks**

The “War on Terror” under the Bush administration strayed from engaging multilaterally and ignored the reality that that can be no war on a strategic tactic of violence. There may never be a day when terrorism is truly eradicated, because there will always be people who believe that they have a cause worth dying for. The hope, however, is that the appeal of terrorism as a tactic to express geopolitical discontent will be replaced with the possibility of open dialogues and international reactions to perceived grievances. We have focused our arguments based on the importance of learning from past successes and errors, the counterterrorism approaches of other countries, and the need to forge greater international and domestic alliances. The new administration has the opportunity to change international and domestic counterterrorism strategies based on lessons learned from the previous administrations, in conjunction with international law and with help from other countries.

Outreach and Education about Islam in the United States

The front pages of newspapers in the United States are filled with attacks the U.S. claims were perpetrated by radical Islamic organizations. Radicalism in any religion is often associated with bloodshed, but it never the core teaching of the faith. Just as the United Kingdom has made a concerted effort to create social outreach programs and education programs to include minority populations within society, the United States should follow in their path. We suggest that the United States should include information about religions and cultural diversity into public school education.

The social outreach programs in the United Kingdom are meant to bring ostracized groups into the daily life and fabric of the United Kingdom. It is essential that the United States reaches out to different groups within the U.S. and end the process of marginalizing different races and cultures. In the United Kingdom, the focus of these outreach programs is to increase security by showing

marginalized groups that they are members of society with the same rights and the ability to report crimes and identify suspicious activities to the police.

The United States Department of State has provided grants to schools and organizations to better understand Muslim life in the United States. An example of such a grant was given to the National Peace Foundation (NPF). NPF designed a project to bring 24 scholars and clerics from the United Arab Emirates, Yemen and Qatar for a two-week period to explore the reality of Muslim life in the U.S. and to work with the scholars and clerics to break down erroneous stereotypes about Islam. The themes outlined by the National Peace Foundation included Muslim women in the United States, Islam in practice, and discussing stereotypes with American journalists and writers. In exchange, a group of American scholars and clerics traveled to the United Arab Emirates, Yemen and Qatar and have similar discussions abroad.³¹⁰ We argue that the United States should encourage more grants to understand Muslim life in the United States and focus such studies on how to break down stereotypes, particularly stereotypes that wrongfully link terrorism and Islam together.

International Cooperation Recommendations

Reacting to violent terrorist activity, is far more expensive than investing in tools to prevent conflict from turning deadly. By clear leadership in reshaping U.S. foreign policy and mending relations with the international community, we can ultimately reduce the costs associated with terrorist activity both in monetary and human terms. Including conflict prevention and civilian protection as fundamental pillars of U.S. foreign policy in the next National Security Strategy will lay the foundation for a more effective approach to building security throughout the world. This strategy should inform an integrated, interagency mechanism for strategic planning, tied directly to

³¹⁰ Grants by Theme: Faith and Community, *United States Department of State*.
<http://exchanges.state.gov/citizens/professionals/grant-theme/faith-and-community.html>

the allocation of resources, which would ensure the swift implementation of these principles.

Commenting in 2005 on how the U.S. should engage, Tony Blair provided this advice:

If America wants the rest of the world to be part of the agenda it has set, it must be part of their agenda, too. It can do so, secure in the knowledge that what people want is not for America to concede, but to engage...so there is common ground as to interdependence.³¹¹

Through a deeper relationship with the United Nations, the United States can continue its efforts to promote diplomacy with the rest of the world. The prioritization of conflict prevention at the most senior levels, a wise investment of national funds and resources, effective U.S. foreign policy institutions, and international coordination are all needed in the new administration's counterterrorism policy.

The growth of cross-national links among different terrorist organizations, which may involve military training, funding, technology transfer or political advice is another important reason an internationalized policy is needed to deal with this international situation. We suggest shaping a more sensible, effective U.S. foreign policy by making the prevention of deadly conflict and civilian protection the highest priorities.

Intelligence Coordination and Unification

In the months and years after the devastating World Trade Center attacks on September 11, 2001, as the shock and horror of the day began to wear off, officials and citizens began to ask questions. Many called for action and reform, particularly in the intelligence sector of the government, as the lack of accurate intelligence appeared to be an important factor in the United State's inability to prevent the September 11 attacks.³¹² Reform began in the intelligence sector with the Intelligence Reform and Terrorism Prevention Act of 2004, but this act focused on cross-border

³¹¹ Tony Blair, World Economic Forum (Davos, Switzerland 2005).

³¹² *9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*

intelligence and only created one position to facilitate information flow.³¹³ We believe that intelligence reform needs to go further.

This section has shown that without accurate, timely intelligence, tragedies like September 11, 2001 occur with terrifying ease and it is essential to create a unified, centralized intelligence structure that gathers information from all intelligence agencies into one area for effective dissemination to the appropriate governmental figure. The current structure of the United States intelligence community should be adapted to allow for greater ease of movement of intelligence, as well as centralization of the intelligence command structures. We therefore recommend, as has been recommended before in the 9/11 Commission Report, the creation of a unified terrorism-intelligence command structure that would gather all terrorism related intelligence from the Central Intelligence Agency, the Federal Bureau of Investigation and Homeland Security counterterrorism intelligence branches.³¹⁴ By creating a unified command structure, the appropriate intelligence will not be stopped by bureaucracy in the lower levels of the government and will instead reach the levels of government where it can be acted upon.

Concluding Remarks

³¹³ “Prevention of Terrorism Ordinance No 33 of 5708-19.”

³¹⁴ *9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States*

Terrorism is an old tactic used by the weak fighting against stronger forces. As a violently unconventional tactic of war, the idea that the United States or any country can effectively conduct a “War on Terrorism” is misleading. A war against a tactic can have no beginning or end, and the idea of a War on Terrorism parallels a number of equally futile endeavors like the “War on Drugs” or the “War on Poverty.”

The United States must take a balanced and strategic approach to prevent terrorists from harming American interests and citizens. It is unrealistically ambitious to think that terrorism can be completely eliminated, but the United States must endeavor to reduce and contain it as effectively as possible. Addressing a truly global threat requires international action, and the U.S. government must work closely with its allies and must forge mutually beneficial relationships with foreign governments. And in this international enterprise, accurate intelligence is the most effective tool to minimize terrorist threats, requiring the United States to constantly assess and revolutionize its structure for intelligence gathering and analysis. Despite taking bold steps to reduce terrorist threats, the government must not stray from the fundamental ideals of freedom, liberty, justice, and equality that underpin our country. In these times of tremendous uncertainty, our guiding values must be called upon to bolster a productive counterterrorism strategy that recognizes the United States as a political actor in an international community.

We would like to conclude this report with the following summary of our policy recommendations.

Policy Recommendations

The Diplomatic Approach to Fighting Terrorism

Diplomacy should be a central feature of U.S. counterterrorism policies. As the U.S. experience in Iraq and Afghanistan has shown, addressing terrorist threats solely through military means is unfeasible. It is our belief that large-scale military action should be used to combat terrorism only if the U.S. is no longer able to pursue diplomatic options. In this report, we have suggested that the U.S. could use diplomacy to achieve its counterterrorism goals in five areas.

- The U.S. should include neighboring states (i.e. Saudi Arabia, Jordan, Syria, the United Arab Emirates, and Iran) in power-sharing negotiations between Kurdish, Sunni, and Shi'a leaders because these states are known supporters of various insurgent groups and warring ethnic/religious factions in Iraq.
- The U.S. should work more closely with Pakistani forces to subdue the Taliban and the terrorist groups that are affiliated with it in Afghanistan.
- The U.S. should open a dialogue with Hezbollah in Lebanon through back channels while keeping it classified as a "terrorist" organization.
- In Palestine, the U.S. should encourage the Israeli government to end the construction of new Jewish settlements along the West Bank and Gaza and to remove the ones that already exist illegally. Furthermore, the US must ensure that Hamas takes part in any potential Israeli-Palestinian peace agreement.
- The U.S. should establish working relations with the moderate forces within the Islamic Union Courts in Somalia.

Terrorism and the U.S. Military

As previously mentioned, large-scale military actions against countries suspected of being involved in terrorism or harboring terrorists should be used only as a last resort. In any event, there are a number of steps that the U.S. military needs to take in order to better respond to the non-conventional battle tactics that insurgents and terrorist groups use in war zones.

- The U.S. military should specialize in launching small-scale retaliatory strikes against terrorist targets rather than engaging in large-scale warfare.
- The U.S. should increase the military's use of the Human Terrain System.
- At least part of the training that is given to the members of the Special Operations Forces should be extended to other soldiers in the U.S. army.

Enhancing Diversity within Intelligence Agencies

Intelligence plays a key role in U.S. counterterrorism policies, particularly with regard to the prevention of future terrorist attacks. Improving intelligence gathering capacity should therefore be a top priority for U.S. intelligence agencies.

- The CIA should increase its capability to conduct human intelligence by expanding the number of officers in the National Clandestine Services.
- Intelligence officer recruitment procedures should be updated in order to attract individuals from diverse ethnic, cultural, and linguistic backgrounds.
- The CIA should give its existing officers additional language training.

The Department of Homeland Security is a crucial domestic entity in the United States' endeavors against terrorism. However, its current structure does not allow it to be completely effective in fulfilling its roles. Intelligence is the most useful tool to combat terrorism, and the DHS should be reformulated to give the Department more authority to share intelligence between various federal, state, and local agencies.

- To improve fiscal discipline, the DHS should act in an advisory role to Congress as a “smart-buyer” to define “what they want to buy, know who to buy it from, and judge the quality of what they buy when it arrives.”³¹⁵
- To maximize the effectiveness of their research and efforts, the Department should create a standard operating procedure for all local and state jurisdictions.
- The DHS should spearhead the push for standardization of other systems across the United States, such as issuing guidelines and urging Congress for appropriations to standardize identification cards and drivers' licenses.
- The DHS also has a tremendous opportunity to protect the United States against cyber-threat and information leaks by creating standards for government firewall and network security controls.

Coordination of Government Levels and Agencies

³¹⁵ Haynes, Wendy. 2004. "Seeing around Corners: Crafting the New Department of Homeland Security". *Review of Policy Research*. 21 (3): 369-395. (387)

The nature of the terrorist threat has changed in the past decade and consequently U.S. domestic agencies have been faced with the challenge of updating the way they work to safeguard national security. The attacks on September 11, 2001 revealed many weaknesses within the U.S. intelligence community. If national security is to be a top priority, there must be a strong progression towards resolving these failures.

- Various intelligence agencies must have a strong communication network both within and between themselves.
- In order to create a comprehensive intelligence-sharing database, the overall technological capacity of the U.S. intelligence community must be advanced dramatically and rapidly.
- There needs to be a functioning accountability structure that keeps agencies responsible for their work, to clarify the role of each federal, state, and local agency, and to decrease overlapping jurisdiction to promote efficiency.
- The role of each agency must be clearly enforced in holistic training programs that federal, state and local agencies proctor.
- U.S. intelligence agencies must reward employees for commitment to long-term projects so that intelligence officials keep track of suspected threats for as long as they pose a threat to national security.
- The CIA needs to develop a more comprehensive and accurate system to measure their employee's output and value rather than using simple quantitative benchmarks.
- Intelligence agencies must work to bridge the deep philosophical and allegiant divides that exist between them.

National Information Policies

With the passage of The Patriot Act and the resulting expansion of executive power, many questions have arisen over the legality and constitutionality of many U.S. actions, including its policies on detainment, information gathering, domestic security, and surveillance. Additionally, opponents have criticized the indefinite detention of immigrants, the seemingly unmitigated search and seizure authority given to law enforcement officials, the expanded application of NSLs, and expanded government access to business and personal records. Long-term successes will ultimately be calculated and judged by the efficacy of government agencies and politicians in improving international cooperation, focusing the scope of the PATRIOT Act singularly towards counterterrorism investigations, and ensuring that America and its foreign policies promote a culture of progress and prosperity throughout the world.

- While the Patriot Act is a vital tool in counterterrorism operations, its unmitigated use must be countered by some form of judiciary oversight.
- It is imperative to develop intimate, interagency networks for file-sharing, interagency cooperation, and the development of organized, accessible mechanisms that allow intelligence agencies to access necessary information.

Immigration, Border, and Transport Security

It is important to realize that immigration is a central component of the United States, one that will not readily disappear in the future. Therefore, the U.S. government must carry out proactive, effective, fair immigration policies that balance the influx of immigrants with an effective national security policy. The U.S. should implement a focused immigration policy that effectively tracks immigrants and foreign visitors in the United States.

Threat Prevention and International Cooperation

Reacting to violent terrorist activity is far more expensive than investing in tools to prevent conflict from turning deadly. By reshaping U.S. foreign policy and mending relations with the international community, we can ultimately reduce the costs associated with terrorist activity both in monetary and human terms. Including conflict prevention and civilian protection as fundamental pillars of U.S. foreign policy in the next National Security Strategy will lay the foundation for a more effective approach to building security throughout the world.

- Realizing that education is a key component of ameliorating the possibilities of both domestic and foreign terrorism, the US should strategically implement cultural diversity curricula into public education.
- The US should forge a closer relationship with the United Nations, allowing it to continue the effort to promote diplomacy and international cooperation around the world.

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