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Fool Me Once, Shame On You. Fool Me Twice, Shame On Me: Learning From the Events of 9/11

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Fool Me Once, Shame On You. Fool Me Twice, Shame on Me: Learning from the events of 9/11.

Doctor Bowie

Doctor Clayton

Doctor Schmidt

Kyle Burgardt
Honors Senior Thesis

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Introduction

How could the devastating Islamist terrorist attacks of September 11, 2001 occur on American soil? The answer lies in part in the failed policies of the US government in the fields of anti-terrorism and counterterrorism. I will argue that the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) is best way to prevent future terrorist attacks from occurring on American soil. The recommendations of this commission should be implemented because of the expertise of those involved in the commission, as well as the bipartisan support in Congress for these essential recommendations. Collectively, such action will strengthen the ability of the United States to fulfill its most basic function, which is to protect the American people. To prepare for the future as well as evaluate the past, I will examine the policies of the federal government in the following areas: Homeland Security, Intelligence, Diplomacy, and Overseas Security.

With regards to homeland security, the United States was woefully inadequate with its defensive measures, particularly the ability of first responders to effectively react to the events on 9/11.¹ The earlier indictments against Bin Laden by the U.S. Attorney Office for the Southern District of New York failed to deter him from carrying out the attacks. The bureaucratic structures within the federal government failed to prepare for the threat of domestic suicide hijackings. Border and transportation security failed to prevent the entry of the 9/11 hijackers.

Intelligence was another failing of the federal government, especially its inability to fully mobilize all of the resources of the intelligence community against al Qaeda. The

¹ Strasser, Steven, ed. *The 9/11 Investigations*. New York: Public Affairs, 2004. p. 98

clearance systems of the different intelligence agencies were another barrier in connecting the dots of terrorist travel and activities both abroad and in the United States. Congress, in its oversight role did not properly appropriate funds for counterterrorist efforts, as a major priority for the intelligence community. Covert action taken against Osama Bin Laden was never able to capture or kill him, and in fact strengthened support for him in the Muslim world.

Diplomatically, Bin Laden was able to out-communicate the United States in the war of ideas. Part of the goodwill that Bin Laden received from Muslim countries came in the form of allowing al Qaeda operatives to freely transit between these countries such as Saudi Arabia, Qatar, Iran, and Pakistan. These same countries also looked the other way when it came to fundraising by Bin Laden for al Qaeda, especially the charities in Saudi Arabia. Prior to 9/11, attempts at diplomatic influence toward Saudi Arabia and Pakistan were ineffective in disrupting terrorist planning and operations. Foreign aid programs were not used to demonstrate the goodwill of the United States toward the Muslim world. Overseas security prior to 9/11 was jeopardized by ineffective responses to previous terrorist attacks abroad.

The good news is that the United States has changed its strategies and tactics against Islamist terrorism. But not all of the changes have been for the better. In order to evaluate such changes, this assessment will first examine the events that took place on that dark day of September 11th, 2001.

Chapter 1: Homeland Security

1. 9/11 Time Sequence

An integral part of the homeland security that failed on 9/11 were the military installations stationed within the United States. While most of the air force resources are stationed overseas, the air force did have on 9/11, different sectors of the United States it was in charge of. The air sector that oversees New York City and Washington D.C. is the Northeast Air Defense Sector (NEADS).² The Otis Air Force Base in upstate New York scrambled F-15's at 8:46a.m., but NEADS did not know where to send them because American Airlines Flight 11, which crashed into the North Tower at the World Trade Center, had turned off its transponder, making it very difficult to track with all of the other commercial aircraft in air. Since the Otis fighters did not know where to go, they stayed in a holding pattern in military airspace off the Long Island coast.³

In the communication breakdown between the Federal Aviation Administration (FAA) and NEADS, the FAA never passed on any information about United Airlines Flight 93 to the military, prior to it crashing in Pennsylvania. One bright spot in communication was the FAA's Boston Center improvising by directly contacting NEADS, instead of going up through the FAA's chain of command. Even if the fighters from Otis and Langley Air Force Base got to the hijacked airplanes in time, they were not given the authorization to shoot down the airplanes, despite the approval of Vice President Cheney.⁴

² Kean, Thomas, Chairman. Hamilton, Lee, Co-Chairman. *The 9/11 Report: The National Commission on Terrorist Attacks Upon the United States*. New York: St. Martins Press, 2004. p.31

³ Kean, Hamilton. p.32

⁴ Kean, Hamilton, p.70.

Meanwhile, at the World Trade Center, part of problem faced by those trapped above the impact zones in both towers was the illusion of rooftop rescue. The doors leading to the roof in both towers were locked, and there were radiation hazards on the roof that made any rooftop rescue by helicopter impossible.⁵ The Port Authority Police Department (PAPD), which was in charge of security for the World Trade Center, had no plan in place to coordinate and command the various officers that arrived from multiple districts. The Office of Emergency Management (OEM) headquarters, which was supposed to coordinate the different first-responding agencies, was located at World Trade Center (WTC) building 7 on the 23rd floor. The headquarters were destroyed when the towers collapsed, making coordination that much harder to facilitate. Inside the North and South towers, the public address systems were damaged by the crashes, so information between employees in the upper parts of the tower and the lobby desk on the ground floor was severed.

The Fire Department of New York (FDNY) ordered the PAPD to evacuate the occupants from the already hit North tower and the untouched South tower, but that information was not conveyed to 911 operators and FDNY dispatchers.⁶ The 911 operators and the dispatchers were also not made aware of the impossibility of rooftop rescue because of the danger of such an attempt. Those calling 911 from the towers were not able to get useful information from the operators because they were not fully aware of what was going on ground, which resulted in the operators telling tower employees to stay put or go to the roof. The order was given at 9:30am to unlock all of the doors in the North tower's Security Command Center on the 22nd floor, but damage to the software

⁵ Kean, Hamilton, p.401.

⁶ Kean, Hamilton, p.413.

from the impact made that impossible.⁷ The fire chiefs in the lobby of the North tower were also crippled by the lack of information in deciding whether or not to attempt rescues above the impact zone and limit firefighting to securing stairwells. The fire chiefs were not made aware that the NYPD helicopters above the North tower were observing wobbling at the top of the tower, indicating structural weakness. The situation got even worse when the South tower was hit because of the magnitude of the situation and thousands of personnel and civilians on scene.

The situation was quite different at the Pentagon crash site because the different emergency responders had trained and worked together prior to American 77 crashing into the Pentagon.⁸ Command and control problems did emerge at the Pentagon when outside responders came in, who were not asked to be there, as was the case at the WTC. What needs to happen for possible future terrorist attacks is coordination where there is, “a unified command that comprehensively deploys all dispatched police, fire, and other first responder resources”.⁹ I believe that first-responders are put in a difficult situation when there is lack of coordination between the different departments. Given that the first-responders have to respond to the worst emergency situations, I would argue that the local, state, and federal governments must do their part to make sure that first-responders are used most effectively in these crisis situations. Part of that coordination entails the integration of 911 operators into the emergency response because those trapped above the impact zone at the WTC had the operators as their only source of information. Rather than uselessly telling callers to go to the roof, these operators could have told them to descend immediately. I also believe that it is important for 911 call centers to have the

⁷ Kean, Hamilton, p.424

⁸ Kean, Hamilton, P.450

⁹ Kean, Hamilton, p.462

capacity to deal with several incoming phone calls because those trapped in the WTC also had trouble getting through to these operators because of the volume of calls these operators had to respond to. These 911 operators were part of the post-response action taken from a homeland security standpoint. The preceding level of homeland security at the borders and airports of the United States were the last line of defense against the terrorists. This level of security also failed to protect the American people.

2. Transportation, Border, and Infrastructure Security

The leader of the 9/11 hijackers, Mohammed Atta was on American flight 11, the first plane to crash on that day. He first boarded a plane from Portland, Maine to Boston, where he was selected by the Computer Assisted Passenger Prescreening System (CAPPS) to have his bags searched for another round of screening.¹⁰ The bags were then put onto the plane, once he had boarded it. Atta himself did not go through another level of screening because CAPPS was designed to prevent explosives being placed in luggage, not for suicide hijackers. None of the security guards at Boston's Logan International Airport recalled anything suspicious about the men boarding American 11 or United 175, and the metal detectors did not detect anything unusual in the contents of the carryon items of the hijackers.

At Dulles International Airport in Maryland, Nawaf al Hamzi and Salem al Hamzi, both hijackers on American 77, went through additional screening at the security checkpoint because one of them did not have a photo id, and both could barely speak

¹⁰ Kean, Hamilton, p.4

English, which made the ticket agent suspicious about them.¹¹The four hijackers that boarded United 93 out of Newark passed through security with ease, but the specifics cannot be determined because like Boston, there was no closed-circuited television at the security checkpoints. In summary, “By 8:00am on the morning of Tuesday, September 11th, 2001, they (the terrorists) had defeated all the security layers that America’s civil aviation security system had in place to prevent a hijacking”.¹² The only people left to defeat the plans of the terrorists were the passengers and crews aboard all four hijacked aircraft.

On American 11, it is unclear how the hijackers gained access to the cockpit because FAA rules require that the cockpit door remain locked while in-flight. One possibility is that the hijackers followed the flight attendants into the cockpit, or killed the flight attendant for the cockpit key. The FAA and the airlines were not prepared to deal with multiple hijackings in domestic airspace in part because there had not been a hijacking involving American aircraft in over 30 years. Another problem was the lack of a solid chain of command for emergency decision making. After American 77 crashed into the Pentagon, FAA officials said it was not their place to tell the pilots what to do because that responsibility lay with the airlines.¹³ The airlines were receiving conflicting information about their flights and that led them to not promptly convey warnings to their pilots.

The FAA was in contact with commercial aircraft on that day, with different sectors responsible for different parts of the country. The National Command Center in Herndon, Virginia oversaw all of the regional control centers. But, each regional center

¹¹ Kean, Hamilton, p.5

¹² Kean, Hamilton, p.7

¹³ Kean, Hamilton, p.17

operated independently of each other, meaning that the information Boston Center knew was not necessarily known to Cleveland Center.¹⁴ Flight controllers on 9/11 relied on the transponders to track airplanes, such as the heading and altitude of each aircraft. When the hijackers turned off the transponders, the flight controllers had to track the planes using primary radar returns, which did not give the altitude of the aircraft or identify what airplanes the controllers were looking at. The only domestically-based military service to aid the FAA was the North American Aerospace Defense Command (NORAD). NORAD was created in 1958 as partnership between the United States and Canada to defend against the threat of Soviet nuclear launches during the Cold War.¹⁵ After the end of the Cold War, NORAD early-warning sites were downsized and threat exercises were not designed to counter the threat of hijacked aircraft within US airspace. Each NORAD alert site on 9/11 had two fighter aircraft for each of the seven sites. NEADS was a part of the NORAD alert system, with bases in Cape Cod, Massachusetts and Langley, Virginia. The formal procedures for the FAA and NORAD to collaborate were multiple and cumbersome. Both NORAD and FAA assumed that if there was a hijacking, it would not be a suicide mission, the aircraft would not attempt to disappear, and there would be sufficient time to go up through the chains of command at both agencies.¹⁶

The FAA was also hampered by the belief that the major risk to commercial flights from terrorism was with explosives and sabotage. An aviation panel chaired by then Vice President Al Gore in 1996 emphasized these threats and did not consider the possibility of suicide hijackings. The reason for not addressing hijackings was that explosives placed inside airplanes had taken more lives than hijackings. The FAA saw its

¹⁴ Kean, Hamilton, p.23

¹⁵ Kean, Hamilton, p.27

¹⁶ Kean, Hamilton, p.28

mission prior to 9/11 as setting out regulations that needed to be implemented by the airlines and airports. The goal was to set up multiple layers of defense to back up the other layers of security.¹⁷ Since there had been no hijackings or bombings of US airliners in the decade prior to 9/11 domestically, it was assumed that the security system was working.

However, there were exercises and reports made by the FAA, General Accounting Office (GAO), and Department of Transportation (DOT) detailing the weakness of domestic aviation security.¹⁸ The security measures present in the aviation system were designed in response to specific incidents, not in anticipation of possible attacks. The cockpit doors were not hardened, even though the Gore Commission recommended it. The problem with trying to harden the doors was that the airlines did not want to spend the extra money for these harden doors. I believe that the airlines put their profits ahead of passenger safety by stalling on government recommendations to improve the safety of the cockpit doors. This unconscionable behavior by the airlines is matched by the lack of effective training for flight crews to counter the possibility of terrorist hijackings. The training given to flight crews only covered hijackings for hostages, not suicide hijackings. The crew was instructed to be non-confrontational in order for the hijacked plane to safely land and let authorities on the ground deal with the situation.

Khalid Sheikh Mohammed, the mastermind behind the 9/11 attacks, wanted to exploit the training of the flight crew and the rest of the security in the aviation system with suicide hijackings upon the US. He first began thinking about attacking the United States with commercial aircraft after his nephew Ramzi Yousef returned to Pakistan after

¹⁷ Kean, Hamilton, p.121

¹⁸ Strasser, p.41

the 1993 World Trade Center attack. For the hijackers, flight simulator training was critical for the hijacker pilots to become familiar with the controls and obtain the proficiency to hit their targets.¹⁹ Each hijacker pilot earned FAA certification to fly multi-engine commercial airplanes. All of the muscle men hijackers carried knives that were shorter than the 4 inches allowed by FAA regulations.

The FAA for its part had the resources of its 40 member intelligence unit that was suppose to receive intelligence from the FBI and CIA and craft countermeasures to possible threats. Little of the intelligence that the FAA got pertained to domestic threats, which created a blind spot in security at the airports nationwide. The FAA no-fly list, which was posted at all international airports in the United States, only had 12 terrorists on the list.²⁰

On the one hand, 9/11 mastermind Khalid Sheikh Mohammed was on the list, but on the other hand, the watch lists maintained by the State Department had thousands of names of people that should have been denied entrance into the United States. Al Qaeda had its own travel document forgery office at Khandar airport in Afghanistan, which gave operatives the ability to travel into Afghanistan without raising suspicion from Saudi customs officials. When these same operatives applied for US visas at American consulates in Saudi Arabia, US customs officials were focused on tourist visas being used as a means to illegally reside within the United States.²¹ I believe that this is an example of where the US had the misplaced priority of focusing on immigration instead of terrorism. Immigration is an important issue for US consults to address in foreign countries, but I believe the focus should first be with preventing possible terrorist travel

¹⁹ Strasser, p.52

²⁰ Kean, Hamilton, p.123

²¹ Strasser, p.6

into the US, and then the next focus should be on immigration violations. Nevertheless, visa applications for Saudis were usually approved because they rarely overstayed their visas. Secretary of State Rice was not aware that before 9/11, Saudis were able to obtain US visas without being interviewed by American consulate officials. I would argue that the US must now focus on interviewing immigrants from Arab and Muslim countries, as well as other countries, where US officials should question those immigrants with suspicious records and travel itinerary.

Within the United States, an FBI informant in contact with 9/11 hijackers al Hamzi and al Mihdar in San Diego in 2000 mentioned to his FBI handler that the men were Saudi, which did not raise any alarms because Saudi Arabia was an American ally. US customs officials missed an opportunity to prevent one of the 9/11 hijacker pilots, Hani Hanjour from entering the United States. He lied on his 1997 US visa application about where he was going to school, but that error was not detected when he applied for another visa in 2000. On his 2000 application, Hanjour did not attend the English school that was on his student visa, but the Immigration and Naturalization Service (INS) had no system in place to track down student visas and deport these people. I believe that this failure is an example of the United States not keeping track of immigrants within the domestic borders, which is a problem that has to be addressed and balanced with the need to allow foreign students to study at American universities. Al Qaeda easily adapted to the security measures in place for travel visas, as demonstrated by the Hanjour example, where they could count on customs officials not being able to find any concerns from past visa applications.

The one watch list dedicated to preventing terrorists from entering the US was the TIPOFF list maintained by the State Department.²² Two 9/11 hijackers, al Hamzi and al Mihdar were on the TIPOFF list, but since the FAA had no access to this list, these two hijackers were able to enter the US. Both hijackers also used their real names in obtaining driver's licenses in California and rental car agreements. Al Hamzi also overstayed his visa extension, which expired in January of 2001. Another missed opportunity for authorities to disrupt the 9/11 plot came on September 8, 2001 when pilot hijacker Ziad Jarrah was pulled over by a Maryland state trooper for speeding.²³ The trooper gave Jarrah a warning, not knowing that Jarrah was in violation of his student visa which expired over a year before that time. I believe that this is an example of why there needs to be a national database that all law enforcement officials can access that includes expired visas because terrorists count on the inability of American law enforcement to be coordinated enough to stop terrorist travel into and within the US. While it is wise to strengthen the rules regarding visas and passports because of cases such as Jarrah, it is equally important to make sure members of the business community and students from the Muslim world are allowed easy access to the United States.²⁴ The reasoning behind this is that these businesspeople and students can bring back positive stories to their home countries about the US and might even to choose to stay in the US, making positive contributions to our society, which I believe is beneficial.

As mentioned previously, the FAA did have the Computer Assisted Passenger Prescreening System (CAPPS) to screen passengers that placed an additional risk to the

²² Strasser, p.6

²³ Senate Governmental Affairs Committee. Senator Susan Collins. *Building an Intelligence Community to Fight Terrorism and Emerging Threats*. 8 Sept. 2004. lexisnexis@prod.lexisnexis.com (20 Mar. 2007).

²⁴ House International Relations Committee, Christopher Kojm. *Diplomacy in the Age of Terrorism: State Department Strategy*. 19 Aug. 2004. lexisnexis@prod.lexisnexis.com (20 Mar. 2007).

flights. These suspect passengers had their bags searched again, but not their carry-on luggage. These passengers were not detained and asked any questions by security personnel. The security personnel were members of private security firms that approached airport security from a cost-standpoint, where the objective was to minimize the impact of security procedures on the flow of passengers and luggage.²⁵ The reason for this approach to airport security originated with the airlines that hired these private security firms that wanted to keep passengers and planes moving, without cumbersome security procedures. I believe that security is worth more than inconveniencing passengers with additional security measures because security is the first and most important responsibility of the federal government.

The US government did have security personnel in the airports and airplanes. Security on the planes was in the hands of air marshals, who were primarily assigned to international flights. There were only 33 armed and trained air marshals in the pre-9/11 years. These air marshals were assigned to what was thought to be the greatest risk to airplane security, which were terrorists boarding international flights in route to the United States.²⁶ One success story of increasing airport security prior to 9/11 was the heightened security at New York airports because of the intelligence that came from the Presidential Daily Brief on December 4, 1998 indicating the Bin Laden was planning to imminently hijack commercial aircraft. But, the heightened the security was drawn down after the perceived threat had passed. I believe that the United States is always under threat from terrorist attack, but the fear of such an attack should not make the US paranoid, but rather constantly vigilant about the threats to American security.

²⁵ Kean, Hamilton, p.124

²⁶ Kean, Hamilton, p.125

Security was also heightened during the eve of the millennium year in 1999 and 2000. Another success story emerges from this time with the detainment of Ahmed Ressam, who attempted to blow up the Los Angeles International Airport (LAX) by driving from where he was in Canada to LA.²⁷ A perceptive border agent, Diane Dean asked Ressam to go through secondary screening where he panicked and fled. Diane Dean said that her training helped her to see his suspicious behavior. George Tenet, the former CIA Director recalled that when Ressam was arrested, no one questioned why he was caught at the last minute on the border; everyone simply assumed that the system was working. The inability to understand this dangerously close attempt was endemic of how the government approached the problems associated with terrorism, from my perspective. This is exemplified when heightened security was drawn down after the millennium threat was perceived to be over.

Despite these instances where homeland security was heightened, the underlying problem of these domestic agencies not being given instructions on how to thwart possible domestic terrorist attacks, or even being able to respond to one, was never addressed.²⁸ This concept can be demonstrated by the action taken by FBI acting Director Thomas Pickard when he briefed his special agents on July 19, 2001 to have evidence collection teams ready in case of an attack, but no order was given to bring information from the field regarding any pending attacks.

At the Department of Justice (DOJ), the Attorney General at that time, John Ashcroft did not consider the counterterrorism budget of the FBI as a high priority when he issued his budget guidance to the entire department, according to Pickard. Besides the

²⁷ Kean, Hamilton, p.259

²⁸ Kean, Hamilton, p.381

lack of priority given to the counterterrorism budget, the FBI did not take part in crafting the Presidential Daily Brief (PDB).²⁹ Given that the FBI handles a great deal of the domestic criminal elements within the US, which could include some terrorist activity, it seems irresponsible to me that the FBI would have no input into the PDB. So the PDB that President Bush received on August 6, 2001 that mentioned there were 70 ongoing FBI investigations into al Qaeda members in the United States was not accurate. 70 potential terrorists were being looked into by the FBI, which was not the same as having 70 ongoing investigations.³⁰ But, some in the FBI were satisfied they were doing all they could to investigate and prevent terrorist attacks. The National Security Advisor for President Clinton, Sandy Berger reinforces this belief when he said that the FBI thought al Qaeda had limited ability to operate in the United States, and those who attempting to assist them or other terrorist organizations were already under FBI surveillance. I believe that this the wrong attitude to take toward terrorism because the possibility is always there for a terrorist attack, which means that the FBI should be proactive in seeking out potential terrorist threats to the homeland. While the FBI has certainly paid greater attention to terrorism since 9/11, they can learn from the steps taken by local government agencies to thwart an attack before it becomes actualized.

Richard Falkenrath who worked for the NSC and DHS in the Bush Administration is currently the deputy commissioner for counterterrorism for the NYPD. The NYPD has its own intelligence division and has fluent translators to interrogate terrorists' suspects or supporters in Arabic, Hindi, Urdu, and Pashtu.³¹ Whereas it takes

²⁹ Strasser, p.298

³⁰ Strasser, p.299

³¹ Committee on Homeland Security and Governmental Affairs. *Prepared testimony of Richard Falkenrath*. (Washington D.C.: US Senate, 2006) p.4

several months for the federal government to translate tapes and recordings, the NYPD can get a translation back in 10 minutes. This is crucial because part of the problem that led to 9/11 was the backlog of communications that went un-translated. This is to me an example of why the Congress must increase funding for the FBI so that there are a sufficient number of translators so that agents can act quickly when comes to the terrorist threat. Additionally, NYPD agents are stationed abroad in order to get information about potential threats to New York.³² The NYPD has also assessed high value targets for vulnerabilities in the security of the buildings and the infrastructure as well. Given that the WTC was located in Manhattan, along with many other high value targets, the Counterterrorism Bureau has established the Lower Manhattan Security Initiative to include closed-circuit television surveillance and License Plate Recognition readers on every bridge and tunnel in and out of Manhattan. The NYPD has also created the regional counterterrorism training center to train NYPD personnel, as well as other NYC agencies and localities from around the country including Canada.³³ Given the communication problems that occurred on 9/11, the NYPD has established the Citywide Incident Management System (CIMS) to provide a seamless command structure with all relevant NYC agencies. The steps taken by NYC are beneficial ideas that the federal government can parallel because of the need to coordinate different agencies, as well as train law enforcement from around the US and the world to effectively prevent a terrorist attack. While NYC has done a great deal to improve how it prevents and responds to potential terrorist attacks, the federal government has not gone far enough in changing how it prevents and responds to terrorist attacks.

³² Senate Homeland Security and Governmental Affairs Committee. Mayor Michael Bloomberg. 9 Jan 2007. lexisnexis@prod.lexisnexis.com (9 Jan. 2007).

³³ Falkenrath, p.8

One small success story of the federal government is the development of a terrorist watch list at the terrorist screening center.³⁴ But, DHS still needs to do more, especially with regards to inbound international flights. Right now, the passenger manifest is checked 15 minutes after takeoff, rather than checking the manifest prior to takeoff. There still have not been any guidelines issued by the federal government about threats to infrastructure from terrorist attacks.³⁵ This means that most new buildings being created are built without considering the threat of terrorist attacks. The greatest vulnerability lies with chemical factories and transportation hubs. I believe that the security of chemical plants, power plants, and transportation centers is important because of the dependence on this infrastructure for daily life in America. Another troubling development is that commercial insurance policies against terrorist attacks have decreased in the number of buildings that are covered by this kind of insurance. Not only is there the problem of insurance against terrorist attacks, but the availability of purchasing materials such as those used in the 1995 Oklahoma City Bombing for an ammonium nitrate bomb. The only thing that has to be done by a would-be terrorist is to purchase all of the materials separately.

Besides the vulnerability posed by the ability to purchase materials for an ammonium nitrate bomb, another problem faced by New York and other local governments is the method by which the Department of Homeland Security (DHS) allocates HS grants.³⁶ The grants go to cargo security, which is important, but the more likely threat to ports is a small boat being loaded with explosives crashing into a ship in dock, like the USS Cole bombing. Local governments do not receive grants to deal with

³⁴ Ibid, p.9

³⁵ Ibid, p.23

³⁶ Ibid p.26

this particular threat, so they are left on own to deal with it. Richard Falkenrath himself said,

“Currently, all DHS grant programs are biased toward the expenditure of funds for equipment, external consulting, and consequence management at the expense of manpower, current operations, and counterterrorism and intelligence activities designed to prevent attacks before they occur.”³⁷

In other words, the DHS must not pull resources from current operations in exchange for high-priced outside consultants and unnecessary, expensive equipment. I believe that consultants should be used, but the overall goal still has to be on preventing attacks before they occur. The problem is that DHS treats everyone with uniformity, instead allocating funds based on risk. Currently, HS grants cannot be spent on construction, even though it is vital that high value targets need to be hardened against potential threats.³⁸ Terrorists are looking to attack highly symbolic targets, meaning that HS dollars need to go to these targets, not to securing the food supply against a terrorist attack, in my opinion. There is a risk to crops being tainted or poisoned, but with limited funds available, I would argue that it is necessary to allocate money to targets and not potential risks.

Another example of misplaced priorities can be found by the amount spent on each passenger in the transportation system. The federal government spends \$9.16 per passenger on aviation security, but only .60 cents per passenger on mass transit security, which is a real problem for NYC because of the amount of subways, buses, and taxis in the city.³⁹ The overall budget for HS grants has decreased from \$3.5 billion in FY2002 to \$1.6 billion in FY2006. As the 9/11 Commission has pointed out, this is unacceptable

³⁷ Ibid p.30

³⁸ Senate Homeland Security and Governmental Affairs Committee, Mayor Bloomberg

³⁹ Ibid, p.28

given that the terrorist threat to the homeland has increased, not decreased since 9/11. The grants must be based on actual risk, not bureaucratic formulas, where everyone gets the same amount.⁴⁰ DHS is inconsistent with its yearly rule changes in distributing grants to protect localities from the terrorist threat.⁴¹ Grant money must also be calculated based on current and future threats. In other words, I believe grant money should be allocated for protecting skyscrapers because they were attacked on 9/11 and other targets in major cities such as New York, Washington, and Los Angeles.

Terrorists will use new tactics when they see new vulnerabilities, especially in coastal metropolis's where there many high value targets.⁴² This is why it is imperative to increase the budget of the Coast Guard because they are in charge of vessels and cargo coming out of these major port cities. However, the current budget increases for the Coast Guard represent the funding for preexisting modernization programs. Additional funding will be necessary in order for the Coast Guard to meet its Homeland Security obligations. This means that the size of the fleet will have to increase by 20 to 30% so that inspections and patrols of coastal waters are fully supervised. It would be an undue economic burden to disrupt trade by searching every single container that comes into the United States. What should be done is to allow spot checks for reputable companies and ports, focusing resources of shady companies and risky ports.⁴³ It is important that the Coast Guard, as well as other branches of the federal government communicate necessary intelligence to

⁴⁰ Ibid, p.29

⁴¹ Senate Homeland Security and Governmental Affairs Committee. Senator Jo Lieberman. 9 Jan 2007. lexisnexis@prod.lexisnexis.com (9 Jan. 2007).

⁴² Senate Governmental Affairs Committee. *Testimony of Michael O'Hanlon*. 20 Mar. 2003. <http://www.senate.gov/~govt-aff/032003ohanlon.htm> (20 Mar. 2007).

⁴³ Ibid

local authorities. The purpose for doing this is to make sure that local authorities have the time to prepare for potential attacks.

At the same time, local governments need to reach out to Washington D.C. and not wait for the federal government to come to them, as has been the case with NYC.

Mayor Michael Bloomberg puts it this way,

“The mistake, whether it is a national problem or a local problem, whether it is terrorist attacks or national calamity, is to blame Washington for everything. Washington can give us advice, Washington can give us money, Washington can provide some overseas intelligence, but in the end it’s the responsibilities of each city’s government, and then a county or a state to respond”⁴⁴

I also believe that it is important for federal officials to listen to local and state government officials because the locals know what their vulnerabilities are, and what they need from the federal government. Local governments have to not only reach out to Washington to establish relationships, but must also make all preparations necessary to thwart and respond to terrorist attacks.

Within local governments, it is necessary to adopt a Unified Incident Command System (UICS), like the one NYC has, especially in light of what happened in New Orleans during Hurricane Katrina.⁴⁵ UCIS has to be practiced because local agencies need to work out the problems in the UCIS before an emergency, not during one. There are many things that can be done to improve homeland security in order to prevent and properly respond to terrorist attacks, besides exercise drills for emergencies.

One thing that needs to change is to overhaul how airplane passenger lists are checked. Currently, the airlines do the checking and the government wants to protect

⁴⁴ Senate Homeland Security and Governmental Affairs Committee. Mayor Bloomberg. 9 Jan. 2007

⁴⁵ Senate Homeland Security and Governmental Affairs Committee. 9/11 Commissioner Slade Gorton. 9 Jan. 2007.

sensitive information, so it shares a limited number of names with the airlines.⁴⁶ I believe the government should solely be in charge of checking names so that passenger lists are verified against the most comprehensive lists of names, while simultaneously protecting sensitive information, with proper oversight. Another important thing that has to be sped up is the transfer of the bandwidth from television networks to emergency responders. These frequencies are currently set to transfer in 2009, but that should happen sooner because people's lives are at stake when emergency responders cannot communicate with one another in concrete and steel high rises.⁴⁷

In the 4 years since 9/11 it is important to keep in mind how much the United States is spending on homeland security. I believe that one of the goals of Osama Bin Laden is to drain the financial resources of the US by forcing our government to allocate large appropriations toward homeland security and the military. This does not mean the federal government should not spend all that is necessary to protect the homeland, but wasteful HS grants on air-conditioned garbage trucks and bulletproof vests for police dogs represent an unjustified expenditure of limited resources, in my opinion. As 9/11 Commissioner Tim Roemer has said, "I think it was Sun Tzu in The Art of War who said 'if you try to protect everything, you protect nothing'".⁴⁸ We as a nation must remind ourselves that simply because there has not been a terrorist attack in 4 years, the terrorist threat has not passed. There will always be a threat of terrorism against the homeland as well as American interests abroad. Members of al Qaeda and other groups inspired by them are still planning attacks against the United States.⁴⁹ Before 9/11, there were not

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Strasser, former Secretary of Defense William Cohen. p. 119

specific predictions about the time and location of a terrorist attack, but there was enough terrorist chatter about an impending attack to heighten the security measures for homeland defense.

For the new DHS, it is vital to establish system-wide screening methods, yet simultaneously allow discretion for experienced agents to give additional screening to suspicious passengers.⁵⁰ Just as reputable port companies should be allowed to go through port security with greater ease, the same should apply to reputable passengers. Those that give the government background information prior to departure will go through a green line to get through security quicker than passengers with suspicious backgrounds or travel information. Verifiable identification cards are needed as the last possible means to stop terrorists from boarding commercial aircraft. This is where the United States must work with other countries to create visas and passports that are impermeable to manipulation. The TSA within DHS must have access to all government watch lists so that passengers are checked against all suspicious persons that should not be allowed to travel into or within the United States. This breakdown in transportation and border security points to the flaws within the bureaucratic structures of these agencies that were supposed to prevent a terrorist attack from occurring on the homeland.

3. Bureaucratic Structures

One agency where bureaucratic structure was a problem was within the FBI. Prior to 9/11, FBI field offices were measured by statistics of arrests, convictions, and seizure of illegal material. Investigating terrorist's plots was time-consuming and was without the

⁵⁰ Kean, Hamilton, p.563

guarantee of an arrest or conviction.⁵¹ Terrorist investigations did not advance a field agent's career in so far as promotions were concerned, so these kinds of cases were not worthwhile for agents to invest time in. FBI field offices were also focused on local matters, such as white collar crime and narcotics, not national security matters like terrorism. Given that the 9/11 hijackers operated for several months inside the US prior to the attack, I believe that the FBI must do more to track down terrorist activities within the US borders, as well as listen to local agents in the field.

One thing that the federal bureaucracy did do properly prior to 9/11 was the arrest of Zacarias Moussaoui. The flight instructor at the flight school in Minnesota was concerned about Moussaoui because he could barely speak English, had little experience flying, and was not attempting to obtain a pilot's license. The INS arrested him on immigration charges for violating his visa.⁵² Authorities were not able in time to link Moussaoui to the 9/11 plot. There were some agents in Minneapolis that wanted to warn the FAA about terrorist hijackings based off the Moussaoui arrest, but their bosses did not let them.

There was another opportunity for authorities to discover the 9/11 plot in July in 2001. An FBI agent in Phoenix sent a memo to her superiors in Washington suggesting that many potential terrorists were applying to aviation schools in the Phoenix area.⁵³ This agent recommended that the FBI should work with these schools to verify the immigration background and status of the students, but no action was taken. I believe that the FBI should partner with private entities when matters of national security are at stake, and all action taken by the government and the private entities would have to conform to

⁵¹ Kean, Hamilton, p.108

⁵² Ibid, p.354

⁵³ Ibid, p.401

the laws, which would include some kind of oversight and accountability. This kind of cooperation was not in place when the Bin Laden unit at the FBI did not receive the memo until the day of September 11th.⁵⁴ The FBI does deserve credit for at least having a counterterrorism unit prior to 9/11, which no other law enforcement branch had.

However, there was the obstacle of the, “office of origin” policy, where the field office that starts the investigation handles it exclusively. The expertise for terrorist investigations was concentrated in a handful of field offices, which also cut off access to this information from other offices.⁵⁵ Also, the original office was the one that got the credit for the investigation, making it unattractive for other offices to get involved in these investigations. If the simple act of sharing credit between field offices leads to greater cooperation in the future, then it is a worthwhile goal to pursue in my opinion. One area where there was some success within bureaucratic structures was the Counterterrorism Center at the CIA headquarters.

This center was established in 1986 to provide an arena for the CIA to communicate relevant intelligence to domestic agencies for prosecution.⁵⁶ When Louis Freeh became the FBI Director, he expanded the concept of this Center by stationing FBI agents overseas to work with CIA stations to thwart possible attacks on the homeland. While Director Freeh was attempting to forge relationships overseas, there was resistance at the highest levels of the FBI to move personnel away from narcotics and violent crime to counterterrorism. I believe that the FBI should try to find a balance between these various duties, even though there is the constant problem of the scarcity of resources appropriated to the FBI.

⁵⁴ Ibid, p.391

⁵⁵ Ibid, p.109

⁵⁶ Ibid, p. 110

The FBI also liked to stay in-house when it hired personnel to various units, including counterterrorism, where they lacked the outside people with the right language and cultural skills.⁵⁷ A backlog of Arabic tapes resulted from the lack of sufficiently trained translators. Only 65% of FISA-warranted material collected by the FBI was translated. Former FBI Freeh tried to get more funds from the Congress for linguists and agents for counterterrorism. In the FY budgets for 2000, 2001, and 2002 the FBI requested appropriations for 1,895 personnel for counterterrorism and got enough to hire only 76. This is unbelievable, given that the US had suffered the first WTC attack in 1993, the embassy bombings in 1998, and the attack on the USS Cole. The in-house mentality also extended to the classification of information, where personal relationships were necessary to get information from the FBI databases. There was no overall assessment done on the risk to the homeland from terrorist attacks by the FBI at any point prior to 9/11. Additionally, different agencies created barriers to sharing information from within and outside of the FBI. The Office of Intelligence Policy Review, FBI leadership, and the Foreign Intelligence Surveillance Act (FISA) Court all created barriers to sharing intelligence.⁵⁸

Attorney General Ashcroft himself was part of the barrier problem because he never saw the Presidential Daily Brief or the daily intelligence reports for executive officials. He also did not contribute to either document, which frustrated the NSC because they did not get much information from DOJ, particularly the FBI. It was difficult for the FBI to make a contribution because they wrote witness statements, not intelligence summaries. AG Ashcroft was not able to clarify the August 6, 2001 PDB

⁵⁷ Ibid, p.113

⁵⁸ Ibid, p.120

about 70 ongoing investigations by the FBI. AG Ashcroft said before his testimony to the 9/11 Commission that there was an artificial bureaucratic wall put up in 1995 to separate intelligence agents within the FBI from criminal agents. To summarize this barrier between agents in the same agency, the 9/11 Commission concluded that, “Prior to September 11th, information was inadequately shared not only within the Intelligence Community, but also between the Community, other federal agencies, and state and local authorities”.⁵⁹ An example of this information blocking was when FBI Intelligence agents misused FISA warrants to avoid talking with the criminal agents, but thankfully this barrier was rectified by the PATRIOT ACT.⁶⁰

9/11 Commissioner Richard Ben Veniste also agrees that the information-sharing aspects of the PATRIOT ACT have been helpful in bridging the gap between law enforcement and intelligence agencies. On that note, Mr. Ben Veniste argues that there is no need to create a separate domestic intelligence agency like MI-5 in the UK because the FBI and DOJ are steeped in respect for the law and the Constitution, meaning that the FBI would be aggressive but mindful when it conducts intelligence work within the US. As always, I believe that there needs to be oversight within the FBI and the Congress to make sure that all activities undertaken by the agency are lawful. Director Mueller argues that the FBI benefits in its counterterrorism efforts from criminal investigations because of the information that is discovered, as well as arresting dangerous terrorists before they commit attacks. Another reason to not separate the criminal division of the FBI is that terrorists rely on criminal activities such as drug trafficking to finance their operations.

⁵⁹ Strasser, p. 489

⁶⁰ Strasser, p. 307

FBI Director Mueller believes that another bureaucratic barrier is solved by having the CIA and FBI housed at the same location at the Terrorist Threat Integration Center. Within the FBI, analysts have been co-located with operational personnel in order to avert communication breakdowns between analysts and operatives, as well as increase the ability to quickly act on intelligence.⁶¹ To help senior officials within the FBI understand the importance of counterterrorism, the FBI has established an intelligence certification program that is required for officials to be promoted. The FBI is working hard to incorporate immigration status into the agency so that FBI agents have the power to arrest potential terrorists on immigration violations. The FBI is recruiting people with maturity and judgment in roles such as: language specialists, regional experts, intelligence officers, computer scientists, and other scientists for the purpose of enhancing counterterrorism efforts of the agency.⁶² I believe that this variety of employees being hired by the FBI will do a great deal to enhance the ability of the agency to prevent terrorist attacks. Also, the FBI has moved some of its drug cases to the DEA in order to better focus on counterterrorism. The Bush Administration created the Homeland Security Council that parallels the NSC in developing policies to protect the homeland against terrorism. The Department of Homeland Security is designated to make regular assessments of the threat of terrorism to the homeland, unlike before 9/11 where no agency was charged with this responsibility. Another domestic agency that has seen improvements from its past failings is the Border Patrol.

In the years prior to 9/11, Border Patrol agents had to use manual typewriters because they were not given the appropriations to update their technologically. In 1997,

⁶¹ Senate Governmental Affairs Committee, 8 Sept. 2004, FBI Director Mueller.

⁶² Ibid.

these agents wanted to have CIA background checks done on all immigrants prior to becoming a citizen because of the threat of terrorism and other illegal activities, but that was never adopted.⁶³ Congress did give money for more Border Patrol agents, but only to the Mexican border, not the Canadian border due to concerns over illegal immigration. I believe that this was a major mistake given that the terrorist, who was going to blow up LAX airport, attempted to cross the border between Canada and the US. While the Border Patrol had problems updating to have basic technological tools, there was another problem that most of the federal bureaucracy dealt with and that the transition between administrations.

One problem that almost all bureaucracies had prior to 9/11 was the disputed 2000 presidential election. Because of the delay in determining who won Florida, many of the agency heads were not confirmed and in place for their jobs until the summer of 2001. I agree with the recommendation of the 9/11 Commission that the two major party candidates should have lists of personnel who are briefed about national security matters before the election so these personnel are fully informed of the threats when they take office. Besides the problem of the lengthy transition between administrations, there were also embedded assumptions within the government about terrorist activity in the homeland.

In exercises prior to 9/11, the military assumed that hijacked aircraft would be coming from overseas, meaning that the military would have time to respond to an attack.⁶⁴ Systemically, the military's assumptions were wrong, but not isolated from other parts of the government. Before 9/11, there was no supervising official to make sure that

⁶³ Strasser, p.118

⁶⁴ Ibid, p. 504

all agencies were working together as a team against the new threat of terrorism emerging out of the Cold War.⁶⁵ The eve of the new millennium did mark one occasion where all agencies were sharing information and cooperating with another. The collaboration was unprecedented between the FBI, FAA, and CIA, but this unity would not last past the point where the perceived threat of a terrorist attack had passed.

Within the FAA there were structural problems that existed, despite the previously mentioned instance of cooperation. The FAA's primary mission before 9/11 was safety, customer service, capacity, and economic issues. Safety was interpreted as the prevention of explosives being placed onboard planes and proper mechanical safety of the airplanes.⁶⁶ The FAA's intelligence unit was able to get some information from the CIA and FBI about threats to aviation, but the FAA was never told about the possibility of suicide hijackings within the United States. The lack of information passed to the FAA is endemic of a bigger problem that existed before 9/11. Former CIA Director Tenet said in his testimony before the 9/11 Commission that there was no coherent domestic structure to prepare for a terrorist attack, even if the relevant domestic agencies were given all the intelligence they needed from the CIA. The issue that Tenet points to is the lingering problem the US had from adjusting out of the Cold War threat of the USSR to the asymmetrical threat of Islamist terrorism.

Part of the problem was that the FBI could not effectively monitor al Qaeda operatives within the United States.⁶⁷ For domestic agencies like the FBI, there was frustration coming from other cabinet agencies that they never shared the information they had with other agencies sitting on the NSC. The only time the FBI did share

⁶⁵ Ibid, p.514

⁶⁶ Strasser, p. 32

⁶⁷ Ibid, p.47

intelligence with the NSC was during the Millennium Crisis. Now that reforms have been put in place at the FBI and elsewhere within the federal bureaucracy, it is also important to make sure that the power that comes from these reforms is not abused. President Bush has followed the 9/11 Commission recommendation in establishing a Civil Liberties Oversight Board, but it is located within the executive branch by an appointment basis, without congressional approval.⁶⁸ The problem with this arrangement is that the President will find lawyers and former judges who agree with his interpretation of executive power and will therefore be lax in their oversight. I especially believe that the Bush Administration needs congressional oversight because of the Administration's negative view toward accountability for their actions, which include possible violations of the law. I also believe congressional approval of these positions would allow for greater transparency and accountability in the process of protecting civil liberties.

Congress can also link HS grants to the creation of unified command structures for local first responders to better coordinate efforts in an emergency situation.⁶⁹ Federal officials also have to respect local officials by giving them the information they need in a timely fashion. When lives hang in the balance, there is no time for federal officials to be arrogant because they have the information and ability to deny information to local officials. There must be two-way communication between the local and federal governments. At the federal level, the FBI has to maintain that tricky balance between its criminal justice role and domestic intelligence role.⁷⁰ Director Mueller has taken the right steps to pass off some of the functions of the FBI to other agencies such as the DEA for narcotics probes. Civil servants like Director Mueller have to go through Congress before

⁶⁸ Kean, Hamilton, p. 563

⁶⁹ Ibid, p.600

⁷⁰ Ibid, p. 603

they can assume office. One problem that needs to be addressed in this area is to speed up the transition process between different administrations in the White House. In 2000, it took several months for President Bush to get his whole staff filled up, while the threat of terrorism was increasing, not decreasing.

Besides the transition process, Congress has still failed to reform itself by creating one committee in each chamber to oversee homeland security, in order to avoid the current redundancy in oversight held by several different committees.⁷¹ The redundant oversight also harms the bureaucracy because they have to strain to keep up with all of the different committees that want testimony and questions answered. Another benefit to reducing the number of committees is that members serving on the condensed HS committees can develop expertise in oversight. That cannot be accomplished by putting term limits on members serving on these committees, so term limits need to be eliminated as well. I believe that there should be no shame on the part of representatives and senators for having the knowledge of specific areas that are necessary in order for Congress to fulfill its oversight role. There also needs to be a nonpartisan staff for the committees so that HS does not become a political football because every American, regardless of party affiliation, expects the government to fulfill its most basic responsibility of providing security.

The bureaucracies themselves can help in the oversight process by using the General Accounting Office (GAO) and inspector generals in each agency to make sure grants are going to high-risk areas and contractors are being held accountable for the work they do.⁷² DHS and other relevant agencies have to create standards for the private

⁷¹ Ibid, p.599

⁷²Senate Homeland Security and Governmental Affairs Committee. Lee Hamilton, 9 Jan. 2004.

sector to abide by because 85% of all buildings are in their hands, meaning that they will be the first ones to respond to a terrorist attack. These same agencies would also be helped by having a civil service manager in each department and agency because the cabinet secretaries spend so much time creating policy that they do not have time to actually manage thousands of employees at their own departments. The departments and agencies can also help themselves by bringing in people who do not have a counterterrorism background to come up with creative solutions to the problems posed by terrorism. It would also be beneficial to bring in former terrorists to get some understanding on how terrorist organizations recruit, plan, and execute operations.⁷³ I believe that the US has to be careful about who they consider to be terrorists because the detention of those who are not terrorists, particularly in the Muslim community, will be less willing to help if they are being constantly harassed by the FBI. The investigations into terrorist attacks before 9/11 provided useful information about the planning and execution of operations, but also damaged homeland security simultaneously.

4. Investigations

The FBI did an excellent job after the 1993 WTC attack in finding out who had purchased the van used in the attack and the accomplices in the rest of the terrorist cell.⁷⁴ The US Attorney for the Southern District of New York successfully prosecuted the participants in the cell that were still alive, including Ramzi Yousef. Ironically, these successful prosecutions led to a false sense of security and the view that law enforcement was the primary tool to address the threat of terrorism. Law enforcement could only go so

⁷³ National Security, Emerging Threats and International Relations Subcommittee. *The 9/11 Commission Recommendations and the National Strategies*. Raphael Perl. 22 Sep. 2004. lexisnexis@prod.lexisnexis.com (20 Mar. 2007).

⁷⁴ Kean, Hamilton, p.105

far as disrupting terrorist cells within the United States and post-facto investigations of crime scenes at US embassies in Africa, the Khobar Towers in Saudi Arabia, and the USS Cole in Yemen. In particular, law enforcement could not proactively destroy terrorist training camps abroad because that was the responsibility of the military. Furthermore, the same US Attorney's office later indicted Bin Laden for attacking US installations abroad, but there was no force to back up the indictment, so it did nothing to prevent the 9/11 attacks from occurring.⁷⁵ Former FBI Director Freeh summarizes the limitations of law enforcement when he said, "we were using grand jury subpoenas and arrest warrants to fight an enemy that was using missiles and suicide boats to attack our warships".⁷⁶ Law enforcement could not conduct covert intelligence operations overseas or even put their people in place to arrest Bin Laden, even if he had been successfully captured. I believe that the limited abilities of law enforcement should be addressed by greater coordination between different agencies and departments. While there were limitations to arresting and prosecuting terrorists, there was also the problem with the "office of origin policy". Since the US Attorney for NY and the FBI field office worked together closely, they developed a certain level of expertise that no other office in either agency had.⁷⁷ There was more expertise in the intelligence community on al Qaeda prior to 9/11, but that expertise was not enough to prevent the attack from occurring.

⁷⁵ Ibid, p.187

⁷⁶ Strasser, p. 266

⁷⁷ Ibid, p.477

Chapter 2: Intelligence

1. Institutional Understanding and Imagination

The CIA was an agency designed after WWII to gather intelligence and conduct covert ops against the Soviet Union. The CIA did a credible job during the Cold War against the USSR, but was unable to adapt itself to the threat of Islamist terrorism after the Cold War ended.⁷⁸ Information was expected to move quickly in the 24-hour, Internet news cycle, so agents needed to piece together reports up the chain of command quickly, rather than take the time and resources to develop contacts inside al Qaeda and other terrorist organizations. The Clandestine Service within the CIA struggled with the rest of the agency to adjust to the terrorist threat. The 9//11 Report observed that,

“New hires in the Clandestine Service tended to have qualifications similar to those of serving officers: that is, they were suited for traditional agent recruitment or exploiting liaison relationships with foreign services but were not equipped to seek or use assets inside the terrorist network.”⁷⁹

Exploiting relationships with the liaisons of foreign services was designed for getting intelligence against a large nation-state like the USSR, not a small stateless terrorist organization such as al Qaeda, in my opinion.

The CIA did understand that al Qaeda was enough of a threat to establish a Bin Laden unit within the agency. Unfortunately, this unit was seen as alarmist by others in the CIA and the unit never synthesized its intelligence to policymakers before 9/11.⁸⁰ The CIA as a whole did not prepare a National Intelligence Estimate (NIE) on the subject of terrorism between 1997 and 9/11. On the other hand, there was a great deal of chatter being picked up by the intelligence community in the months before 9/11, but nothing

⁷⁸ Kean, Hamilton, p. 133

⁷⁹ Ibid, p.135

⁸⁰ Ibid, p.173

specific was intercepted that would have indicated where an imminent attack would have occurred. There were even fewer specifics about an attack on the homeland, so all precautionary measures were taken overseas because of the track record from the past of terrorist attacks on foreign targets. In essence,

“The foreign intelligence agencies were watching overseas, alert to foreign threats to US interests there. The domestic agencies were waiting for evidence of a domestic threat from sleeper cells within the United States. No one was looking for a foreign threat to domestic targets”⁸¹.

This was the gapping hole in our national security; no one thought about terrorists traveling to the United States from abroad to use our own transportation system as a weapon against us. This lack of imagination must be corrected in the future so that government agencies have a better idea of the threat they are encountering in my judgment. Also, the CIA’s Counterterrorism Center did not set up a list of signs of a terrorist activity, such as going to flight schools to learn how to fly planes, without wanting to know how to take off and land.⁸²

Richard Clarke who headed up the Counterterrorism Security Group (CSG) during the Clinton Administration and early part of the Bush Administration got his ideas about suicide terrorist hijackings of aircraft more from Tom Clancy novels than from the intelligence community. Secretary Rice said that using planes as missiles was hypothesized about in the intelligence community, but was one of many hypothetical tactics of terrorists.⁸³ The briefings given to the President and the NSC never mentioned this possible tactic as something to be concerned about. The concern with aircraft was with hijackings for prisoners and explosives being placed on the plane. George Tenet said

⁸¹ Ibid, p.379

⁸² Ibid, p.496

⁸³ Strasser, p. 218

that this belief was reinforced when the CIA learned that Bin Laden's number two in 1996, Muhammed Atif was exploring the feasibility of exploding aircraft in midair. The Clinton Administration focused on this possible tactic and more specifically on state-sponsored terrorism. The reason for focusing on state-sponsored terrorism was the complicity of Hezbollah in the attack on the Khobar Towers in 1996 in Saudi Arabia. I believe that terrorism is dangerous, no matter if there is a state sponsor or not, given the success of other terrorist groups to operate within states, but without assistance from these states. The intelligence agencies themselves took steps that were just as counterproductive as focusing primarily on state-sponsored terrorism.

The NSA purposefully avoided intercepting communications between the United States and overseas because of the restrictions on what communications they could monitor.⁸⁴ The CIA, like the NSA made mistakes in their analysis by focusing on specific operations, instead of looking at the broader threat of terrorism. Part of this problem originated with the inability of the CIA to put informants into al Qaeda and reliance on foreign intelligence services for information. It is harder to get an overall assessment of terrorism if the US does not have information originating from within the terrorist organization, or even within the agency. The intelligence community needs to recruit operatives from the countries where their services are needed because Americans who are fluent in the languages necessary in the field do not necessarily blend into populations as well as those who were born and currently reside in those particular countries.⁸⁵

⁸⁴ Ibid, p.492

⁸⁵ Senate Select Intelligence Committee. *9/11 Commission Recommendations on Intelligence*, Lee Hamilton. 7 Sept. 2004. lexisnexis@prod.lexisnexis.com (20 Mar. 2007).

The current system of assessment produces groupthink because the national analysis is being done by one agency, the CIA.⁸⁶ Other agencies across the intelligence community must be included when making overall assessments of the terrorist threat because each agency has its own information to bring to the table. The most basic premise that all intelligence agencies have to start with is who exactly the enemy is and what the plan to do operationally. This is important because intelligence agencies can focus their resources more specifically if they know who to look for and what their plans are from an operational standpoint.⁸⁷ It is important to get intelligence reform done correctly this time because the American people will not tolerate half-hearted intelligence reform that does not fully transform the agency to disrupt terrorist operations before they occur, in my opinion. The American people are counting on Washington to make sure that the intelligence community is in a position to disrupt terrorist plots before they occur.⁸⁸ Trying to reform intelligence agencies is difficult because it is not an exact science, meaning that analysts cannot give a 100% guarantee that their analysis is factually correct. Also, the analysis made by analysts is quite different from the interpretations of policymakers. Policymakers can come to very different interpretations than the analysts from the community. Within the community, one of the biggest problems before 9/11 was communication between different agencies and different clearances being used.

2. Communication and Clearances: Command and Control

⁸⁶ House Select Committee on Intelligence. *Prepared Testimony of Lee Hamilton and Thomas Kean*, 11 Aug. 2004. (20 Mar. 2007). p.7

⁸⁷ House National Security Subcommittee. *John Parachini*. 22 Sept. 2004.

⁸⁸ House Select Committee on Intelligence. *Prepared Testimony of Lee Hamilton and Thomas Kean*, 11 Aug. 2004. (20 Mar. 2007).

As mentioned earlier, the NSA purposefully avoided listening to communications between the United States and foreign countries. The NSA did have the capability to listen to these conversations, but did not ask for FISA warrants to listen to these conversations.⁸⁹ The NSA did not inform the FBI of what communications material they had regarding terrorist communication. This points out that while technology can be helpful in counterterrorism efforts, it does not matter if human beings erect barriers between agencies to sharing information. The Congress unfortunately followed this path after the 1991 Gulf War, where cruise missile strikes were positively covered on CNN, emphasizing the upside of technology. More money was appropriated for satellite imagery and telecommunications, at the expense of cutbacks in operatives and analysts.⁹⁰ I believe that no amount of technology can replace the need to have boots on the ground to gather human intelligence.

The Congress was not alone in making mistakes in creating avenues of communication and effectively utilizing the tools of the community. When Dr. Rice was the National Security Advisor (NSA) in the first term of the Bush Administration, she changed how Richard Clarke's CSG reported in the chain of command. In the Clinton Administration, the CSG had direct access to the principals committee, made up of the Cabinet level officials.⁹¹ Dr. Rice thought it would be more effective if the CSG reported to the deputies committee. What actually happened was that Clarke had to go through another barrier of bureaucracy to report important intelligence to the principals. Clarke did attempt to get the new Bush Administration to understand the terrorist threat, by

⁸⁹ Kean, Hamilton, p.28

⁹⁰ Ibid, p.130

⁹¹ Ibid, p.288

sending a memorandum on January 25, 2001 to meet urgently with the President about the threat of al Qaeda. The meeting did not take place until September 4, 2001.⁹² Dr. Rice said that the Bush Administration was conducting a policy review of dealing with al Qaeda, without all the staff in place to make the decisions. Despite the efforts of Clarke and others within the CSG, counterterrorism coordination was sporadic, especially within the Department of Defense (DOD). Coordination was especially difficult in part because the intelligence community was not aware of al Qaeda until 1995, even though the organization was founded in 1988 or 1989. Also, different agencies had different ideas of how counterterrorism should be approached. Each agency depended on their access to the executive to get their ideas advanced with regards to counterterrorism.⁹³ Sometimes, the problem was not just access to the executive, but confusion about how information could be shared with other agencies.

With this confusion present, the CIA and FBI played it safe and restricted access to information from other agencies. The restrictions placed on information also led to a lack of coordination of intelligence analysis between all of the different intelligence agencies. The coordination was divided even more so because of the wall between the Director of Central Intelligence (DCI) and the military intelligence agencies. Technically, the DCI oversaw all intelligence agencies, but the military controlled 85% of the budget, meaning that the DCI had no real financial control/influence over the military.⁹⁴ Tenet lacked the personal relationships to effectively mobilize the intelligence community, which is just as important as controlling the purse strings of these agencies.

⁹² Ibid, p.290

⁹³ Ibid, p.457

⁹⁴ Ibid, p.512

Former DCI Tenet had an icy relationship with President Clinton and was just establishing a relationship when President Bush assumed office. The relationship between former FBI Director Freeh and President Clinton was also almost nonexistent, meaning that important domestic intelligence was not shared with the NSC. I believe that it is important for presidents to pick personnel that they can trust so that the people in important places can convey the necessary information to the president. The NSC itself created barriers by limiting sensitive matters of terrorism intelligence to a small group of members. The upside was that classified material remained contained from leaking, but officials outside of the group had no input into it or understanding of how decisions were made.

At the CIA, there were restrictions on information and budgetary constraints. Most of the counterterrorism dollars appropriated to the CIA went to investigating attacks, rather than putting resources into discovering when and where the next attack would occur. The agency had to make do with supplemental requests to Congress for more funds toward counterterrorism, while making do with same level of permanent staff. The CIA said that they had to make supplemental requests instead of increasing the permanent budget because they were forced to rebuild the entire agency across the board after the budget cuts at the end of the Cold War.⁹⁵ This is I believe yet another example of the failure of government officials to adapt to the emerging threats facing the United States after the USSR was no longer our primary enemy. The Counterterrorism Center at the CIA had a shortage of personnel working on terrorism tactics including biological, chemical, and nuclear weapons. There was no one working on the possibility of terrorists using our own transportation system against us. Even if there were analysts working on

⁹⁵ Strasser, p. 160

this possibility, there was no comprehensive homeland security plan to prepare for such tactics being used.⁹⁶ The CIA did not have the personnel to monitor the travel patterns of 9/11 hijackers al Hamzi and al Mihdar, and as a result failed to communicate the information of their whereabouts quickly enough to officials in Thailand to prevent them from traveling to Malaysia and then the United States. The overworked personnel at the CIA's CTC moved on to more urgent priorities when they lost track of these two terrorists. The CIA failed to tell the FBI to continue surveillance domestically, once the CIA realized that the hijackers were in the United States.⁹⁷ This gap between foreign and domestic intelligence was caused by a lack of coordination between these agencies.

The lack of coordination included the policy of ownership, where the agency that had the intelligence would not share it with any other agency. Information became bottled-up, even though there was an imperative need to share it with other agencies. There was also the problem of intelligence personnel not understanding what legal rules governed information sharing, so agencies played it safe in order to be legally in the right. When directives were issued for the overall intelligence community, each agency had different ideas of what they meant. On December 4, 1998, former Director Tenet issued a declaration of war against al Qaeda in a directive to the entire community.⁹⁸ The NSA believed that it applied to the CIA only, and the CIA thought it applied to the NSA and other agencies because they were already doing all they could to combat al Qaeda. Coordination was also damaged by the different classification systems of each agency. I would argue that this example calls for agency heads to clearly state the intended agency that needs to pay attention to the directive. The problem still persists today, where the

⁹⁶ Ibid, p.450

⁹⁷ Ibid, p.478

⁹⁸ Kean, Hamilton, prepared testimony, 11 Aug. 2004. p.2

GAO in March of 2006 found there were 56 different classification designations.⁹⁹ The report also found that the Secretary of Homeland Security, Attorney General, and Director of National Intelligence all share responsibility for information-sharing, but no one is fully responsible to make sure it happens.

This problem was supposed to be addressed by the creation of the National Counterterrorism Center (NCTC) and National Intelligence Director (NID) to improve information-sharing at one location in order to transcend all existing networks. Intelligence and operational planning would stay at the NCTC and policymaking would stay in the hands of the President and NSC. Intelligence units from the State, Energy, and Treasury Departments would still report to their superiors and have the same access as the officials stationed at the NCTC to the intelligence databases.¹⁰⁰ One of the deputies under the NID must also be the DOD Undersecretary for Intelligence so that there is a liaison between the NCTC and the DOD to bring better understanding to each department. I believe that this kind of coordination between agencies is mutually beneficial because both agencies can get information they need from one another, which enhances the national security of the United States. The concerns of the intelligence community should be taken into account here, with the comments of former deputy intelligence director John McLaughlin who believes that dual-hatting positions would slow down the necessary speed and agility of the intelligence community. Nevertheless, this should not deter cooperation between the Secretary of Defense and NID on deciding the heads of different agencies within the intelligence community.¹⁰¹

⁹⁹ Falkenrath, p. 20

¹⁰⁰ Kean and Hamilton. *Prepared Testimony*. 11 Aug. 2004.

¹⁰¹ Senate Select Intelligence Community. John Lehman. 4 Sep. 2004.

In order for the NCTC to function properly, there has to be a sufficient number of analysts at each agency in order to avoid duplication of effort and so that no agency is short of analysts. I believe that it does not do much good to have a sufficient number of analysts, if there are structural barriers, such as the 56 different classification systems. Analysts and operatives need to be at the same location so that intelligence can be quickly acted upon and to avoid any communication breakdowns between the two.¹⁰² To put it another way, analysts can pitch ideas for operations to operatives and operatives can give analysts a sense of how things are going in the field. Analysts from the intelligence community will be exposed to different perspectives from the FBI and DHS and will bring their broader perspectives back to the CIA once they rotate through the NCTC.¹⁰³ An additional purpose of the NCTC is to combine the efforts of signals, imagery, human intelligence, and WMD proliferation into one coordinated effort headed by the NID. The necessity for the NID is brought about because of the overburdening of the DCI.

Before 9/11, the DCI was responsible for being the intelligence advisor to the President, overseeing the CIA, and managing the loose confederation of intelligence agencies. The NID would take over the role of supervising the national intelligence centers and the national intelligence program to make sure that all intelligence agencies are contributing to these centers.¹⁰⁴ It may sometimes be necessary for the NID to force agencies to share information, though hopefully that should not happen too often, with the necessity now to share information. I believe that 9/11 was enough of a wakeup call

¹⁰² Kean, Hamilton, p.582

¹⁰³ Senate Homeland Security and Governmental Affairs Committee. Former CIA Deputy Director McLaughlin. 8 Sep. 2004

¹⁰⁴ Kean, Hamilton, p.585

to the intelligence community about the need to share information to prevent terrorist attacks from occurring.

The NID has to fill the gaps of misunderstanding between the FBI, CIA, and other agencies to make sure everyone is working toward the same goal. For its part, the FBI is also filling the afore mentioned gap by sending the top 250 ranking officials at the agency to a one-week course at the Kellogg School of Management in Chicago about information-sharing.¹⁰⁵ These agents are taught that disclosure is their first duty when it comes to information-sharing. The gap of misunderstanding can also be bridged by creating an Intelligence Directorate within the FBI staffed by career personnel and receiving steady funding from Congress. This Directorate would solely handle intelligence matters and coordinate efforts with the NID at the NCTC.

There must not be any cabinet level officials above the NID because the NID needs to be able to go directly the President with urgent intelligences matters and ongoing counterterrorism operations. Events move very quickly in the world, so the NID must have the power to move people and resources quickly in order to capitalize on the opportunity.¹⁰⁶ The NID needs the budgetary authority that the DCI did not have prior to 9/11 in order to assert greater control over who is hired in which agencies, and making sure that the agencies are getting the financial resources they need.¹⁰⁷

Besides financial resources, there is the issue of the relationship between the NID and the President, which is a very delicate balance between being too close or too distant. Too close of relationship means unwillingness separate the administration's intelligence interpretations from the intelligence community's view. Too distant, means that

¹⁰⁵ Senate Homeland Security and Governmental Affairs Committee. FBI Director Mueller. 8 Sep. 2004.

¹⁰⁶ Ibid. Former CIA Deputy Director McLaughlin. 8 Sep. 2004

¹⁰⁷ Kean, Hamilton, p.586

important day-to-day intelligence is not shared with the President. I believe that the NID must be someone who is respected in the intelligence community and has a reputation for being a straight-shooter. There are pros and cons to term-limiting the NID like the FBI Director, but the important thing is to have someone in this position the President trusts so that they can deliver both good and bad news.¹⁰⁸ How the NID is integrated into the system will very much dictate how this delicate relationship functions. Within the intelligence community, the NID needs to have authority over strategic intelligence that is used to assess the threat of terrorism and map out long-term strategies against it. Day-to-day military intelligence would stay where it belongs in the Pentagon because military personnel must have the ability to quickly act and react against possible threats.

The NID having a seat at the table of the NSC executive committee would give this position the ability to resolve disputes between different intelligence agencies. The executive would nominate someone to be the NID and Congress would then approve this nominee who would oversee the NCTC. The worst reform Congress could enact is a NID with no real power because that would lead to a battle for leadership between the NID and DCI, with no one really in charge. The duties of the NID will free up the DCI to rebuild the analysis and human intelligence aspects of the CIA.¹⁰⁹ The DCI can also focus on bringing in agents from diverse backgrounds so that they can work with greater credibility in the field. The intelligence community would also benefit from having a reserve corps of officers like the military because intelligence agencies face the same strains as the military does in the struggle against terrorism. And unlike the military, I believe the intelligence community cannot have a part-time national reserve, but instead

¹⁰⁸ Senate Homeland Security and Governmental Affairs Committee. Former CIA Deputy Director McLaughlin. 8 Sep. 2004

¹⁰⁹ Kean, Hamilton, p.590

needs full-time reservists, who could be retired officers in the intelligence or the military, or from foreign intelligence services. The DCI and NID can work jointly with the heads of other agencies to change the need-to-know policy of intelligence, to the need-to-share system. There has to be incentives both financially and for promotion to get these agencies to be more willing to share information.¹¹⁰ I believe that financial and job-related incentives will reinforce the idea that intelligence must be shared between different agencies. The reasoning that should be given to these agencies is that withholding information from other agencies and agents within the same agency, damages national security by not allowing policymakers to have the full picture of a potential terrorist threat.

Information can be shared with other agencies without revealing sources or methods, thereby addressing the concern that disseminating intelligence will uncover how agencies obtain the information. This would be particularly helpful to domestic law enforcement because there is no need to know how intelligence was obtained, just that any relevant intelligence is forwarded to them so that they can take the proper disruptive actions.¹¹¹ While incentives must be in place for sharing information such as promotions and bonuses or increases in pay, there must also be punishments for those not sharing the information they need to with other agencies.

Information cannot be shared without a modern computer system to synthesize and communicate the intelligence. The FBI and CIA both suffered from budget shortfalls before 9/11, meaning that information had to be manually typed on a type writer and physically transported from one agency to another. The unpredictable budgetary process

¹¹⁰ Ibid, p.594

¹¹¹Strasser, p.514

made it difficult to commit agents to long-term projects because there was no guarantee that the money would be there to fund it. Congress and the President must work together to make sure that long-term budgets for intelligence agencies are settled so that these agencies can do the work they need to do to prevent terrorist plots from coming to fruition. The President must also issue a national security policy directive spelling out the specific responsibilities at the National Intelligence Centers.¹¹² For the Congress, it has to take the step of reforming itself, after reforming other parts of the government.

3. Congressional Oversight

Under the current system of Congress, the House and Senate Select Committees on Intelligence have overlapping authority with other committees for homeland security matters, as well as term-limiting members who serve on these committees.¹¹³ These term limits should be taken off so that members can develop expertise in this most important area of national security. The committees responsible for oversight need to be narrowed so that DHS and other agencies are not overburdened in reporting to Congress. I believe that congressional oversight of bureaucratic agencies is important, but the bureaucrats must not be put in a position where they do not know who in the Congress is really in charge of funding and overseeing different agencies and departments. The Senate has only to blame itself for killing a powerful government reform committee that would have had real authority to overhaul the structure of Congress. Without this reform committee, Congress is in a more difficult position to try to reform itself. In the years before 9/11, the Congress failed as is has today to reform itself to address the threat of terrorism.

¹¹² Benjamin. *The War of Unintended Consequences*. Foreign Affairs. Mar./Apr. 2006.

¹¹³ Kean, Hamilton. p.151

Congress did not see terrorism as a major threat to national security, and the only time that Congress acted was when specific incidents of terrorism occurred. The focus for policymakers was on regional and global problems, not terrorism. It was always easier for members of Congress to reform other parts of the government when terrorist attacks happened, but it was and still is a much more difficult task when it comes to reforming itself.¹¹⁴ Instead, the Congress was reactionary by focusing on the tactics used, not the organizations responsible for carrying out the attacks, prior to 9/11. Partially because of the focus on tactics, Congress had terrorism come under 14 different congressional committees.¹¹⁵ The focus on tactics was not the only problem in the congressional oversight structure, there was the issue of the post-Cold War world.

Since Congress did not perceive terrorism as a major threat, it failed to reorient itself to terrorism from communism. One good thing that Congress did do was the action of the Senate Select Intelligence Committee to try to give budgetary authority to the DCI in 1996. This action failed because the military and its oversight committees fought back, essentially killing the effort before it had a chance to even be debated. The new NID must be able to fight back against the military because the military controls 80% of the intelligence budget, limiting the influence of any DCI or NID outside of the military.¹¹⁶ I believe that having someone like General Hayden in the position as DCI can be beneficial for future presidents because someone who was in the military can possibly have more credibility in budget battles for the non-military officers at the CIA. The budget for the intelligence community has to be separate from the military budget so that long-term

¹¹⁴ Senate Homeland Security and Governmental Affairs Committee. Senator Lieberman. 9 Jan. 2007.

¹¹⁵ Kean, Hamilton, p.154

¹¹⁶ Betts, Richard. *The New Politics of intelligence*. Foreign Affairs. May/Jun. 2004.

intelligence operations can be planned and executed, as well as providing a greater influence in the budgetary process for the intelligence agencies.

The supplemental requests done in the past caused many problems because the supplemental only lasted for the fiscal year, when certain operations against terrorists take years to develop. Intelligence agencies adapted to this reality by shopping around to different committees to get the resources they needed. This problem would be alleviated by having one or two committees responsible for overseeing the intelligence community. Fewer committees can provide greater oversight while responding to the needs of the intelligence community.¹¹⁷ Congressional oversight is very important because of the classified nature of intelligence and the need to restrict the number of people with access to it. I believe that by reducing the number of oversight committees will make less likely that intelligence will be leaked because of the more limited number of members with clearances to access such information. Another point that connects the Congress and the intelligence community is covert action used against terrorists.

4. Covert Action

Covert operations conducted by the CIA faced the same budget shortfalls as did the analysts. Nevertheless, there were several opportunities to capture or kill Osama bin Laden. In 1998, there was a plan to capture bin Laden that was cancelled by former Director Tenet because of the low probability of success. The probability was low because of the unreliable tribal forces, lack of sufficient concrete evidence for prosecution against bin Laden, and no guarantee of not sustaining casualties or collateral

¹¹⁷ Senate Select Intelligence Committee. John Lehman. 4 Sep. 2004.

damage.¹¹⁸ Unfortunately, no other plan came as close as this one in the detail provided and preparations made. One CIA officer said it was their best chance to capture or kill bin Laden, even though the odds were low for it to be successful.

The CIA believed that it was possible to force bin Laden into a vulnerable position by freezing whatever funds he had in the world financial system. It turned out that bin Laden did not have access to his family's inheritance in Saudi Arabia, and was able to move around the international financial system by raising money from private citizens and charities. When President Clinton ordered a retaliatory strike for bombings of American embassies in Africa, the head of the unit tracking bin Laden at the CIA, called Mike, thought the executive finally understood the threat of terrorism. He was disappointed that follow-up strikes were cancelled in January of 1999 in the Kandahar region of Afghanistan because of the fear of collateral damage.¹¹⁹ He argued to his superiors that the United States should not rely on third parties to do the work that it should be doing itself. I believe that American Special Forces should take the lead in operational matters, with local tribes providing some of the information necessary to take out terrorist threats. However, in the case of the 1999 situation, the information from the tribes was usually second-hand from other sources, hence the reluctance to order further strikes against bin Laden.

What the tribes did do successfully was track the movements of bin Laden, but they were inept when it came to carrying out operations to capture bin Laden. With this information in mind, President Clinton gave authorization in an Executive Order for the

¹¹⁸ Kean, Hamilton, p.166

¹¹⁹ Ibid, p.192

tribes to kill bin Laden if capture proved to be infeasible.¹²⁰ Tenet put the chances of success for the tribes operation at 10-20% because of the difficult nature of covert action in Afghanistan. He hoped that the CIA could get lucky as it had in the past.¹²¹ DCI Tenet tried to improve the chances of capture by coming up with an agency-wide plan to continue renditions, disruptions, hire and train higher quality personnel, develop assets within al Qaeda, and increase contacts with the Northern Alliance in Afghanistan. Tenet also incorporated the authorization given by President Clinton to work with the intelligence agencies of other countries in finding and capturing bin Laden and his top lieutenants.

However, other senior officials at the CIA and Special Operations Command thought that the grand plan of Tenet's creation would not gain acceptance from policymakers because of the high risks involved. President Clinton was frustrated that he could not get solid intelligence from the CIA and FBI about the involvement of al Qaeda with the USS Cole attack, which hindered his ability to order follow-up air strikes to the ones carried out in 1998.¹²² The CIA did brief the small group of principal cabinet officers that they had strong circumstantial evidence that al Qaeda was involved in the attack, but it was not enough for Clinton or his National Security Advisor Sandy Berger to reconsider strikes against bin Laden. Both Clinton and Berger believed that it would be fruitless to order strikes that did not kill bin Laden because the failed strikes of 1998 enhanced the stature of bin Laden.¹²³ I believe that the calculation is different after 9/11 because the United States does not want to miss an opportunity to take out Bin Laden or

¹²⁰ Ibid, p.193

¹²¹ Strasser, p.144

¹²² Kean., Hamilton, p.279

¹²³ Ibid, p.281

any other terrorist leader, especially with armed predator drones at the disposal of the American military nevertheless, Clinton and Berger were awaiting the support from Director Tenet to launch strikes in response to the Cole attack, but Tenet thought it was his role to present the intelligence the CIA had and then let the principals make the decision about striking. The policymakers did call off a potential strike against bin Laden in February of 1999 because there was a prince from the United Arab Emirates hunting with bin Laden in Afghanistan. The UAE was an ally of the United States and the policymakers did not want to anger them by killing the prince. Another strike was called off in May of 1999 because Tenet believed that intelligence was not credible, even though CIA agents on the ground in Afghanistan thought it was as good as it gets.

The principals and the Counterterrorism Security Group (CSG) both worried about a possible attack to the homeland after the 1993 WTC bombing, but lacked the specific intelligence to disrupt a plot with covert action.¹²⁴ One of the tools for covert action, the unmanned, armed Predator drone was coming online at about the time of the new millennium. Director Tenet was unsure of the chain of command for operating the Predator because this kind of action is usually handled by the military, not the CIA. Tenet and the Joint Chiefs argued in the spring of 2001 against deploying the unarmed Predator, until the armed one was ready because the Taliban had spotted a Predator earlier in 2000.

They felt the need to maintain the element of surprise against the Taliban with the Predator.¹²⁵ Tenet was also concerned that the CIA would be accused of engaging in an assassination plot, which Congress outlawed in the 1970's. Given the attacks of 9/11, I believe that there would be no hesitation on the part of the military or intelligence

¹²⁴ Ibid, p.294

¹²⁵ Strasser, p.137

officers to take out Bin Laden if the opportunity presented itself. One tool that Director Tenet was not hesitant to use was rendition, where suspected terrorists are kidnapped in other countries by the agency. The CIA did render 70 terrorists prior to 9/11, but they were only able to do so with the support of the host country's intelligence and security branches. I believe that these examples of rendition demonstrate the need for cooperation to occur between our intelligence services and those of foreign nations. However, rendition was nearly impossible in Afghanistan because of the unfriendly Taliban regime. Because of the non-viability of rendition in Afghanistan, the Clinton Administration decided to look back to an operation to kill bin Laden.

The Deputies Committee of the Clinton Administration concluded that the CIA could carry out such a strike under the justification of self-defense against terrorism, which would comply with the law.¹²⁶ Another part of the CIA was not just concerned with the Predator drone, but any kind of covert action. The Directorate of Operations, which handles the Clandestine Services of the CIA, was hesitant about full-scale covert action because that had gotten the agency in trouble in the 1970's with Congress.¹²⁷ The safer place for covert action to take place was within the military because they had the approval of Congress and the policymakers. The military had more latitude to conduct such operations than the CIA. In the future, it would be wise to keep paramilitary operations within the DOD, but there are still many opportunities for joint-ops with the CIA, where each agency can bring its background and expertise to bear. Joint-training

¹²⁶ Kean, Hamilton. p.306

¹²⁷ Ibid, p.502

exercises will be a good starting point for the different intelligence and military agencies to become familiar with one another before actual operations occur.¹²⁸

It is also important that the CIA have more personnel trained in the languages and cultures of Arab and Muslim countries. Agents will be needed from the countries of interest because of the difficult nature of penetrating terrorist organizations. While recruiting native agents is important, outside groups can be helpful as well. For example, the tribal militias became part of the network of sources on the ground, which were helpful when the invasion of Afghanistan began in September of 2001. The CIA was never able to penetrate the Kremlin during the Cold War, although they got occasional tidbits of information from informants. One thing that the United States did with stunning success during the Cold War was communicate the vision and values of our country.

¹²⁸ Strasser, p.520

Chapter 3: Diplomacy

1. War of Ideas

Before 9/11, opponents of oppressive secular regimes in predominantly Muslim countries had few options to challenge the system, and were thus receptive to al Qaeda's call for cleansing secularism out of government, rejecting globalization, and reliance on a strict interpretation of Sharia law.¹²⁹ There was also the presence of the high birth rate in the Arab world that left many young Muslim men without jobs, making them vulnerable to the messages of Islamist terrorists. Bin Laden capitalized on this anger by declaring that both military and civilian people were targets in the fatwa against the United States.

In carrying out this fatwa, he did not want to go the traditional route of hostage-taking aircraft because the purpose of that was to secure the release of prisoners, not inflict pain on the US. Bin Laden did get assistance in spreading the ideology of al Qaeda by radical clerics. The 9/11 hijacker pilots Atta, Binalshibh, Shehhi, and Jarrah were inspired to wage jihad against the United States by the radical Islamist cleric Mohammed Haydar Zammer, who preached at the Quds mosque in Hamburg in the mid to late 1990's.¹³⁰ This cleric was able to capitalize on the feelings of these young Muslim men because they felt disadvantaged culturally, politically, economically to the West. They also took offense to the military presence of the US in Saudi Arabia, where two holy Muslim cities, Mecca and Medina are located. I believe that the US has to be careful about where it decides to conduct military operations in the Middle East, given the hostility generated by our presence, especially today in Iraq. However, Bin Laden himself

¹²⁹ Kean, Hamilton, p.79

¹³⁰ Ibid, p.237

mentioned the presence of American soldiers on Muslim soil in his 1998 fatwa as justification for attacking American civilians and military personnel. While the United States cannot withdraw all military forces out of the Middle East, there are other things that can be done to fight back against al Qaeda's message.

The US must stand for opportunity, human dignity, and the rule of law internationally.¹³¹ This is especially applicable with the detainees at Guantanamo Bay, which Muslims see as the violation of the rule of law when the detainees are indefinitely held without trial. The US must work with other countries on mutually agreed standards for terrorist detainment so that humane detention is practiced. I believe in extending Article 3 of the Geneva Convention, which applies to detainees in internal conflicts, and modify it to include international conflicts. The US must also hold Arab leaders accountable for oppressive actions taken in their countries, which are considered allies of our country. Holding these leaders accountable is important in the larger sense of American foreign policy because the current policy increases hatred of the United States and also increases bin Laden's popularity.¹³² Muslims only see the heavy hand of the American military, as well as extralegal procedures created by the United States, in my judgment. This feeds into bin Laden's message that the United States is attempting to create an empire in the Muslim world and disrespect Islam along the way.

There is a need to convince other countries why it is in their interests to help the US in this struggle against Islamist terrorism.¹³³ These countries need to believe that the United States is not an empirical power that causally disregards the customs and norms of

¹³¹ Ibid, p.538

¹³² Strasser, former Secretary of State Albright, p.87

¹³³ Peterson, Peter, "Public Diplomacy and the War on Terrorism. A STRATEGY FOR REFORM." *Foreign Affairs* 81, no. 5 : 74-94. *Academic Search Premier*, EBSCOhost (accessed May 2, 2007).

the international collection of foreign nation-states. I believe the United States must listen to the concerns these countries have in order to win their support. We must highlight the efforts made by the US in assisting Muslims in Bosnia, Yugoslavia, and Palestine. Public diplomacy has to be a visible part of American foreign policy because the success of our foreign policy depends on how foreigners believe they have been included. Ignoring their views and concerns does not generate any goodwill for them to help the United States. The policy must be explained publicly, including how the policy was arrived at.¹³⁴ There has to be a two-way dialogue present between foreign countries, specifically their population to ours and the US government. The current top-down mass communication model is not receptive to what others are thinking about our foreign policy, meaning that their concerns fall on deaf ears in Washington. The US has to counter the message of bin Laden, which is persuasive to Muslims because Muslims feel angered by the presence of military forces in the Middle East, as well as the intentions of America economically in the region. They believe that the United States is in the region to protect access to oil and plunder whatever other resources the region has to offer.

They also think that America does not care about the lack of opportunity for young Muslim men or the reconciliation of Islam with Western values and ideas. The US has to communicate and listen to Muslim people around the world so that the concerns of these people are factored into foreign policy calculations. It does not help when the only export Muslims see from the United States is our military presence in Afghanistan and Iraq.¹³⁵ Public diplomacy officials have to be present in the policymaking process so that they can bring foreign concerns into the discussion, as well as being fully prepared to

¹³⁴ Ibid.

¹³⁵ National Security Subcommittee, 9/11 Commissioner Richard Ben-Veniste. 22 Sep. 2004

articulate how the policy was arrived at. Foreign journalists have to be given greater access to high-level American officials so that the message of the United States is heard from the local press of foreign countries.

The US can help to provide forums and channels for moderate Muslims to challenge the radicals and at the same time allow for criticism of the United States.¹³⁶ This way, Muslim populations will find these outlets credible because criticism of the US is permitted. I believe that it is important for the United States to listen to the criticism of foreign leaders and their people so that the US can create policies that are more receptive to the concerns of foreign countries. Also, the focus has to be people who mildly support the US first, and then we can move to persuading the skeptics. Allowing these dialogues is a good first step, but it will not amount to any significance if American policy is not based on our ideals. Surveys and polling show that foreigners like the ideals our country stands for, but not the policy implemented by the Bush Administration.¹³⁷

The private sector can help promote the US agenda abroad by using the tools of marketing and advertising, where they possess expertise. The private sector knows how to market material goods to consumers around the world through messages and themes, which is exactly what the US needs to communicate its foreign policies around the world. Also, the private sector would not have the diplomatic protocol constraints that the government has. Since American corporations are not officially a part of the US government, they have a freer hand to discuss and critique American foreign policy.¹³⁸ There should also be the creation of the Center for Public Diplomacy (CPD), similar to the Center for Public Broadcasting (CPB). The CPD should be able to receive private-

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

sector grants, along with government grants to discuss American foreign policy. Muslim and Arab Americans would be the ones to provide outlets to foreigners to dialogue about what the US government is doing internationally.

The CPD has to be a private, independent organization so that Muslims in other countries believe that it is credible.¹³⁹ Muslims do need to see how Muslim Americans thrive in the United States as professionals in medicine, law, and education. The Internet can be useful in providing a forum for Muslims to communicate their ideas and concerns about our foreign policy. Text messaging and instant messaging should also be considered as possible outlets to reach to Muslims around the world, especially in light of the hundreds of millions of young people that communicate exclusively via text messaging. I believe that the US can no longer depend on top-down mass communication because technology is advancing at such a rate that younger generations will miss what the US government is trying to present to them through the primary means of television and press releases. The many forums to communicate American foreign policy are beneficial as is the use of traditional diplomatic alliances.

A great fissure has developed over the past few years between Washington and Western Europe over the Iraq War. Europeans felt that Washington was arrogant in its unilateral militaristic approach to dealing with Saddam Hussein. They also believed that it was a war of choice not necessity. The Europeans argue that since Americans are not accustomed to feeling insecure domestically, they are more willing to take drastic and misguided policies to achieve the feeling of security. The Bush Doctrine reflected this

¹³⁹ Ibid.

view, and thus authorizes the use of force to transform the world.¹⁴⁰ This doctrine has ended up isolating the US, so America must close this fissure by letting Europe handle regional security matters in Europe in order to get their cooperation on international priorities. Internationally, the US and Europe can act as a one-two combination, with Europe taking on the role of diplomacy and the US acting to back up the diplomacy militarily.¹⁴¹

It is also important to remember that terrorism is a tactic, as well as multiple enemies with ideologies. This means that the United States must use soft power to communicate and persuade citizens in other countries that the US does not mean to do them harm, but rather wants to improve their lives.¹⁴² The US has to counter the message of bin Laden, which is persuasive to Muslims because Muslims feel angered by the presence of American military forces in the Middle East, as well as questioning the intentions of America economically in the region, specifically on the subject of oil. They believe that the United States is in the region to protect access to oil, which is related to all the other rationales provided by US policy. I also believe that the pursuit of renewable alternatives to oil consumption would lessen American demand for oil from the Middle East and thereby allow the US to act in the region both diplomatically and militarily without the constraint of protecting American access to oil.

From the Muslim point of view, America does not care about the lack of opportunity for young Muslim men or the reconciliation of Islam with Western values and ideas. The US has to communicate and listen to Muslim people around the world so

¹⁴⁰ Gordon, Philip. "The End of the Bush Revolution." *Foreign Affairs*, Jul./Aug. 2006. *Academic Search Premier*, EBSCOhost (accessed May 2, 2007).

¹⁴¹ Drozdiak, William. "The North Atlantic Drift". *Foreign Affairs* 84, no. 1, 2005. *Academic Search Premier*, EBSCOhost (accessed May 2, 2007).

¹⁴² National Security Subcommittee, Representative Christopher Shays. 22 Sep. 2004.

that the concerns of these people are factored in foreign policy calculations. It does not help when the only export Muslims see from the United States is our military presence in Afghanistan and Iraq.¹⁴³ Muslims see the US as the main security threat in the region, which expands upon the perception in the US that Muslims believe America is mean-spirited and narrow-minded. A schism is developing between the Muslim world and the US, with the American people becoming more hostile to Islam. The Islamist groups take advantage of this hostility by providing employment, food, health care, and education to their local populations. This fills the void that Muslim governments fail to provide these basic needs, which gives the Islamists credibility and legitimacy to attack the US literally and metaphorically. The policies of the United States matter, which means no amount of public relations work is going to gloss over what has happened at Abu Gharib and Guantanamo Bay. I believe the US must find a viable alternative to the current terrorist detention judicial system because it is doing a great deal of harm to the image of America as standing for justice and due process of law. Throughout the world, “Washington is widely perceived as lecturing without listening, arrogant, and uninterested in the opinion of others”.¹⁴⁴ What could help the US address this problem is to have cultural advisers help navigate the nuances and subtleties of different cultures.

It would also be helpful for the US to incorporate justice as a major theme in our foreign policy. I believe justice resonates in all cultures, no matter if they are secular, conservative, Muslim, or European. We need to get to the point where American foreign policy is, “recognized not only for its consistency and credibility, but also having depth

¹⁴³ Ibid .

¹⁴⁴ Singer, Peter Warren. “America, Islam, and the 9-11 War”. *Current History*. Dec. 2006. p. 418

of understanding, empathy, and nuance in how it engages a diverse world".¹⁴⁵ Part of that depth of understanding needs to be the ability to know what words like madrassah mean. Madrassah in Arabic is simply the word for school, but US rhetoric implies that all madrassahs are fountains of fundamentalists teaching by terrorist organizations.¹⁴⁶

The US cannot persuade those who have already committed themselves to terrorist acts, with some of those terrorists being Islamists. Islamists are different from Islam in that Islamists combine a suicidal political agenda with religious fanaticism. This is different from the Islam practiced by millions of Muslims who desire to lead modest lives with little interference from outside forces. These moderate Muslims should be used as the metric for success in the struggle against Islamist terrorism, instead of the number of terrorists killed by US military forces.¹⁴⁷ The metric would gage whether or not these moderate Muslims have a favorable view of the US. I believe the United States must demonstrate to the moderate Muslims that there are values shared in common between the West and Islam. Muslims living in the United States are the perfect example of moderate Muslims that live peacefully and tranquilly within the West. These Muslims value the same thing as moderate Muslims abroad, which is the ability to live safely within their community with little interference from the outside. What the US can do in conjunction with our allies in Europe who have large Muslim populations, is to have government level exchanges about how to incorporate Muslims into the rest of society.

This exchange can trickle down to the citizens living in the US and Europe, and then hopefully expand to Muslims and non-Muslims around the world. These direct exchanges can help to breakdown the stereotypes and misconceptions of different

¹⁴⁵ Ibid, p.421

¹⁴⁶ Ibid, p.421

¹⁴⁷ National Security Subcommittee. Representative Shays. 22 Sep. 2004.

cultures and societies. Different governments including the US can provide the ability for such exchanges to occur, given our economic and technological capabilities. By fostering understanding between different peoples, I believe the US can take away some of the conditions that fuel terrorism. To put it another way, “All radicalisms have a critical weakness: as long as they are not fed, they ultimately burn themselves out”.¹⁴⁸ These forums for communication between cultures can counteract the fuel of terrorist propaganda by giving foreign populations real access into how decisions are made in Washington. The US must be aggressive in defining itself to other countries, particularly in the Muslim world because if we do not, the terrorist will gladly do it for us. As mentioned previously, these new efforts to communicate American foreign policy will be meaningless, unless the policies themselves have something to offer to Muslim countries.

Besides giving foreign populations a more accurate version of the US, these dialogues also serve as a means to dissuade potential terrorists from joining an actual terrorist cell. Senator Menendez (D-NJ) said, “Young people in the Muslim world must have much more to live for than die for”.¹⁴⁹ When people are hopeless because of the lack of job opportunities or alienated from the material values of the West, it is easy for terrorist organizations to recruit these disillusioned young people. This underscores the need for Western governments to allow Muslim countries to retain their value structures, while simultaneously providing economic and financial assistance to these countries so that there are a sufficient number of jobs available for local populations. Providing economic opportunity is important and so is preventing terrorist travel and finance.

2. Terrorist Travel and Finance

¹⁴⁸ Strasser, p.422

¹⁴⁹ House International Relations Committee, Representative Menendez. 19 Aug. 2004.

One of the most important problems before 9/11 was that terrorist operatives could easily obtain visas to enter US and freely move about the country. Outside of the US, terrorists were able to move from one failed state to another as a basis for planning and training for operations.¹⁵⁰ As far as finances went, bin Laden did not use his personal wealth to fund al Qaeda, but rather had a fundraising network of wealthy Muslims to call upon. The reason why bin Laden had to resort to fundraising was that Saudi Arabia had forced bin Laden's family to sell off Osama's stock in the family company and froze the proceeds from his previous selling of stock. Besides the wealthy Muslims, bin Laden got sympathetic imams that withheld part of the zakat donation for al Qaeda.¹⁵¹

The zakat donation is a monetary donation made by Muslims to their mosque and is a requirement of all Muslims that can afford to do so. Another Muslim custom that bin Laden used to his advantage was the hawala system, where Muslims exchange money in an informal manner. Using this system, bin Laden could move money from Saudi Arabia, United Arab Emirates, and other Muslim countries to bases in Afghanistan. The zakat system also circumvented the efforts of President Clinton, when he gave the Treasury Department's Office of Foreign Asset Control (OFAC) the authority to freeze assets of bin Laden, al Qaeda, and the Taliban.¹⁵² Millions of dollars were frozen in Taliban assets, but the informal zakat system was able to easily go around the international financial system. The Treasury Department as a whole did not place terrorist financing on the level of importance of money laundering, so very few resources were dedicated to terrorist financing. Another problem was that terrorist assets were frozen on an ad hoc basis, meaning that there was a reluctance to actually go ahead freezing assets, bank accounts,

¹⁵⁰ Kean, Hamilton, p.98

¹⁵¹ Ibid, p.247

¹⁵² Ibid, p.267

and arrest fundraisers.¹⁵³ Internationally, German law did not prevent fundraising for terrorist organizations before 9/11. While German law has changed since 9/11, there are still many Muslims living in Germany, which provides a potential area for terrorist recruitment for personnel and fundraising. I believe that more has to be done in the Muslim community for leaders to speak out against the message propagated by these reactionary clerics that foment terrorist acts. However, the problem still remains with the ability for terrorists to move money and raise it.

9/11 pilot hijackers Atta and Shehhi got the money to train at the Huffman Aviation School in Florida from Khalid Shekh Mohammed's nephew Ali Abdul Aziz Ali from wire transfers in Dubai.¹⁵⁴ These transfers ranged in size from \$5,000-70,000 which was a drop in the bucket where billions of dollars were transferred in the international financial system. In total, the 9/11 hijackers spent between \$400,000 and \$500,000 dollars to plan and conduct the 9/11 attacks.¹⁵⁵ The terrorists got away with using aliases and sometimes were able to transfer money without identification. Al Qaeda was smart enough to know that Saudis were able to more easily obtain visas into the United States than Yemenis, who constituted the second largest country of origin for recruits. Prior to 9/11, Saudis traveling to Afghanistan via Pakistan would have their passports confiscated by Saudi authorities. To get around this, terrorist operatives would erase the Pakistani visa from passports, or travel through Iran, where Iranians were instructed to not put any entry or exit stamps onto the passports of al Qaeda operatives.¹⁵⁶

¹⁵³ Ibid, p.506

¹⁵⁴ Ibid, p.324

¹⁵⁵ Ibid, p.249

¹⁵⁶ House International Relations Committee. Susan Ginsburg. 19 Aug. 2004.

In the future, the US must better coordinate with other countries on standards for identification, particularly tamper-proof passports. It is vital that terrorist travel be disrupted because terrorists have to travel to train, equip, and case targets. There also has to be a crackdown on terrorist facilitators, i.e. state and custom officials. Financially, freezing terrorist assets has been a difficult task because of tracing the money from the source to the terrorist. The focus should be on individuals and charities that move and fund money for terrorists.¹⁵⁷ I believe that the government requiring charities to report their contributions on a yearly basis would allow for the kind of transparency needed to prevent terrorists from using charities as a cover to raise money. There are also other means of using soft power aggressively against Islamist terrorism.

3. Diplomatic Tools

Diplomatic muscle was used successfully before 9/11 by the United States working with other Western governments in pressuring Sudan to expel bin Laden in 1996.¹⁵⁸ Bin Laden was forced to go back to Afghanistan, where the US encountered obstacles in getting bin Laden deported. The Clinton Administration realized they had limited influence over the Taliban regime in Afghanistan, so they decided to exert pressure using other Muslim countries that had closer ties to the Taliban. President Clinton assigned Director Tenet as a personal liaison for the President to Saudi Arabia's Prince Turki bin Faisal, who was able to get a promise from the Taliban's Mullah Omar to expel bin Laden, but no action was actually taken. While this action did not bear any results, the US did find success elsewhere in Saudi Arabia. When the Saudis granted access to the

¹⁵⁷ Kean, Hamilton, p.546

¹⁵⁸ Ibid, p.92

bin Laden family, the US discovered that bin Laden was not getting a cent from his inheritance, yet the CIA at that time could still not figure out how bin Laden funded al Qaeda.¹⁵⁹ Finding out the financial structure of al Qaeda was not the only challenge for the US, there was also the challenge of Pakistan.

Pakistan was reluctant to cooperate in capturing bin Laden and arresting al Qaeda members because Pakistan's intelligence agency, the ISID was strongly supportive of the Taliban and al Qaeda.¹⁶⁰ When Pervez Musharraf became the head of state in Pakistan, President Clinton used General Anthony Zinni who was in charge of CENTCOM, as a personal envoy to Musharraf. Zinni reported to Clinton that Musharraf was reluctant to aggressively move against bin Laden because of the political heat he would take from bin Laden supporters in Pakistan, including the ISID. Musharraf also did not want to create any kind of instability in Afghanistan by forcing the Taliban to deport bin Laden.¹⁶¹ Musharraf did not need a major conflict on his northern border, when he had his hands full with the nuclear standoff between Pakistan and India.

The State Department was reluctant to put Pakistan on the list of state sponsors of terrorism because of the likelihood of that action creating internal strife within a recently nuclear-armed country that also contained Islamist fundamentalists. Congress gave the Secretary of State the power to designate states as sponsors of terrorism in 1996. Pakistan's neighbor Afghanistan was not designated a state sponsor of terrorism until 1999.¹⁶² This delay in the designation of Afghanistan is important because being put on the list comes with immigration, economic, and criminal consequences. Other than

¹⁵⁹ Ibid, p.179

¹⁶⁰ Ibid, p.180

¹⁶¹ Ibid, p.264

¹⁶² Strasser, p.67

Pakistan, the US looked elsewhere to find countries that could put pressure on the Taliban to give up bin Laden. That other country was the United Arab Emirates (UAE) because they were one of the few countries that formally recognized the Taliban regime in Afghanistan. I believe that it is a preferable approach for the US to continue reaching out to other nations in the world to exert influence on other countries to halt providing material support or sanctuary to terrorists. The Bush Administration before 9/11 continued to use some of the same policies to get bin Laden deported, without any greater degree of success.

Richard Armitage, the Under Secretary of State in the first term of the Bush Administration repeated the same diplomatic pressures on Afghanistan that the Clinton Administration used. Armitage did not get anywhere with this strategy and President Bush wanted to instead look at increasing the aid to the Northern Alliance and non-Taliban Pashtun resistance groups. The President did want to have more carrots to offer Pakistan for cooperating with the United States, but Congress was in no mood to lift the sanctions on Pakistan for developing its nuclear weapons program.¹⁶³ Secretary Albright expressed the same frustration with the Congress over the sanctions placed on Pakistan. This was especially critical given the nuclear standoff with India and the instability caused by the showdown was exacerbated by the sanctions. Pakistan did become more cooperative after 9/11, but there are limits to what Musharref can do to assist the US, especially with increasing opposition to his regime within Pakistan, manifested in several different assassination attempts.

¹⁶³ Kean, Hamilton.p.299

With Pakistan and other allies of the US, there has to be common contact group to coordinate efforts to stifle terrorist travel, finance, and potential sanctuaries.¹⁶⁴ Another important area for the contact group to cover is counter-proliferation of WMD material including nuclear, biological, and chemical weapons. One of these common contact groups already exists with the presence of NATO. The mission of NATO has to change from fighting the Soviet Union to the threat of terrorism, WMD proliferation, and the worldwide energy crisis. I believe that NATO is a critical alliance for the US to continue its involvement with because the US needs the resources in terms of diplomatic skill and material aid from European members in order to keep the pressure on terrorists and the states that protect them. There will also need to be a contact between the G-8 governments and the governments of the Arab League in order for G-8 governments to know what they can do to assist the Muslim world against Islamist terrorism. Another possibility for engagement in a contact group could be the model of the 1975 Helsinki Final Act.¹⁶⁵ This Act was used during the Cold War to extract political prisoners and engage foreign minister to foreign minister and legislator to legislator on issues of trade, security, and human rights. A model engagement like this could prove to be useful to the US in creating goodwill between the West and the Muslim world. The United States can also help itself by initiating,

“A structured evaluation of the diplomatic readiness and prioritized spending through a ‘Quadrennial Diplomacy Review.’ This evaluation, similar to the existing Quadrennial Defense Review, should be conducted by the secretary of state in consultation with the US Advisory Commission on Public Diplomacy. It should replace budget-driven reviews of the status quo with strategy-based assessments of themes, diplomatic readiness, requirements, and capabilities and thereby provide a much-needed, long-term national information strategy”.¹⁶⁶

¹⁶⁴ Ibid, p.541

¹⁶⁵ House International Relations Committee. Representative Chris Smith R-NJ. 19 Aug. 2004.

¹⁶⁶ Peterson, Peter. “Public Diplomacy and the War on Terrorism.” *Foreign Affairs*, EBSCOhost.

This Quadrennial Diplomacy Review is important because the US must look at its public diplomacy policies as essential in the struggle against Islamist terrorism. I believe that more funding will be necessary to communicate openly and honestly with other peoples of the world about what the US stands for. There also has to be an increase in the student exchange programs with foreign countries, particularly Muslim countries so that children from Muslim countries get a better understanding what life is like in the US and what America stands for. With the exception of Khaild Sheikh Mohammed, the student exchange program and the granting of student visas has had a positive impact on those foreigners studying within the US. America should be careful to check the background of those seeking student visas to study here, but should not prevent legitimate students from studying in the US. American children going into Muslim countries will assist them in understanding the concerns these Muslims have with American foreign policy.¹⁶⁷

This understanding of Muslim populations for Americans is important because the centerpiece of the Bush Administration foreign policy, promoting democracy worldwide, has had unintended consequences. Those consequences include the exhaustion of America's diplomatic, military, and financial tools of the government.¹⁶⁸ Having these tools exhausted creates greater vulnerabilities for the United States because we must have all of the tools of this great nation at our disposal in order to fully engage against the terrorist enemy. The soft power of diplomacy is just as important as the hard power of the military. One of the significant parts of diplomatic soft power is the importance of securing loose nuclear material.

¹⁶⁷ Ibid.

¹⁶⁸ Gordon, Philip. "The End of the Bush Revolution." *Foreign Affairs*, EBSCOhost.

This is especially relevant in light of the freelancing work done by the Pakistani nuclear scientist A.Q. Khan for regimes such as North Korea and other nefarious clients. In order to keep rogue regimes like North Korea and terrorists organizations such as al Qaeda from acquiring nuclear material, it is necessary to expand the Proliferation Security Initiative to secure vulnerable supplies of nuclear material and weapons.¹⁶⁹ Besides securing loose nuclear material, the US can use another form of soft power which is backchannel communication. I believe the US can softly, but persistently direct the Saudis into understanding that the fundamentalist version of Wahhabism promoted by the government has turned itself into a threat against the Saudi state.

The US government could also better understand Saudi Arabia and other Muslim countries by having dialogues with local communities which would include question and answer sessions with representatives of the government.¹⁷⁰ This would be a better metric for understanding the success of American foreign policy by hearing from local populations; instead of their governments because the people would have no motivation to tell the US what it wants to hear, unlike government officials. Part of what American officials would hear from these local populations would be the support the US gives to authoritarian Muslim governments that happen to be sympathetic to the US. The United States will be forced into dealing with Islamist groups like the Muslim Brotherhood because they represent the true will of the people, more so than authoritarian regimes like Mubarek in Egypt. The Muslim Brotherhood will have a greater impact on the future government in Egypt more than the US could ever imagine doing on its own from the

¹⁶⁹ National Security Subcommittee. 9/11 Commissioner Slade Gorton. 22 Sep. 2004.

¹⁷⁰ Singer, Peter. "America, Islam, and the 9-11 War." Dec. 2006.

outside. Bureaucratically, the United States will need to have consular officials trained in the terrorist methods of deception of travel documents.¹⁷¹

These consular officials will need access to information from the terrorist-travel analysis units at the State Department. Perhaps by reaching out to organizations like the Muslim Brotherhood, they could reveal how they forge travel documents, if they are given the right incentives to assist the US. These incentives could include the US exerting more forceful pressure on Mubarek to allow the Brotherhood to compete in free and fair elections. I believe that the United States must deal with those groups that obtain office by democratic means, even though these groups are dangerous and unpredictable because the people in these countries will not find autocratic leaders legitimate if these leaders ignore their people and fully accept whatever the US wants them to do. There are other means by which the US can use its soft power to stem the influence of terrorist organizations including foreign aid programs.

4. Foreign Aid Programs

One important foreign aid program would be the establishment of an education fund where the US and other Western governments would contribute money to creating education systems in Muslim countries to counter the influence of fundamentalist, Islamist, terrorist-friendly, madrassahs.¹⁷² One small part of the education fund would be used to translate textbooks into local Muslim languages about the outside world because the students in the Muslim world often suffer from a lack of information about the outside world and its history. Places in the Middle East where more Muslim children

¹⁷¹ House International Relations Committee. Christopher Kojm. 19 Aug., 2004.

¹⁷² National Security Committee. 9/11 Commissioner Richard Ben-Veniste. 22 Sep. 2004

could learn about the outside world are the American Universities in Beirut and Cairo. These universities know a great deal about the Middle East and other parts of the world, which is why these universities need more funding and scholarships for students.¹⁷³ Besides the education fund, the US must continue its direct foreign aid programs to friendly governments, including Pakistan. While the US should put pressure on Musharref to step down as the military commander and run in a fair election as the president, he is also done enough for the US to continue giving aid to his government. I believe that given the results of the recent parliamentary elections in Pakistan that Musharref will need to work with the parliament about governing Pakistan because the US can ill afford to send foreign aid to a country that could fall apart into civil war, where munitions bought with American aid end up in the hands of terrorists.

The aid has to be increased particularly after natural disasters, like the 2005 earthquake in Pakistan. The aid the US gave was 3% of what was given after the 2004 Southeast Asian Tsunami. This contrasts with the generous aid given by the terrorist organizations Lashkar-e-Taiba and Jammatt-e-Islam to Pakistani victims.¹⁷⁴ The United States not only needed to increase the amount of aid to Pakistan in this situation, but also move that aid quickly into place, as was the case with the tsunami victims.

The US has to also continue its aid to the Saudi government and push for political and economic reforms simultaneously. The economic reforms are of particular importance to Saudi Arabia and other Muslim nations that now have and will have in the future a large population of young people who need work. Saudi Arabia has to conceptualize its future economy without the revenue from oil because there is a finite

¹⁷³ Homeland Security and Governmental Affairs Committee. 9/11 Commissioner Lee Hamilton. 9 Jan. 2004.

¹⁷⁴ Singer, p.420

amount of it. The United States also has to step up its aid to Pakistan's neighbor Afghanistan.¹⁷⁵ The lack of funds for reconstruction projects has frustrated local populations into gravitating toward the Taliban because they were doing more as far as infrastructure and security are concerned. I believe the US cannot afford to abandon Afghanistan as it did after the Soviets were driven out. Besides using foreign aid to effectively assist in the reconstruction of Afghanistan, it is also important to use the military might of America as effectively as possible.

¹⁷⁵ Kean, Hamilton, p.530

Chapter 4: Overseas Security

1. Responding to Previous Attacks

In the days before 9/11, the United States military was used as a retaliatory force to terrorist attacks. Terrorists felt emboldened because the US sent into combat too few troops to get the job done and did not stay long enough in any one engagement to cause serious harm to terrorist infrastructure. Situations where the United States did not stay long enough include the withdrawal of Marines in 1983 from Beirut and the pullout the Marines and Army personnel from Somalia in 1993.¹⁷⁶ Both of these situations were justified with the military presence by the US for humanitarian reasons. Because of the loss of American soldiers in both Lebanon and Somalia, each following administration learned that minimizing boots on the ground were the way to go against terrorist encampments. This was why the Clinton Administration decided to use air strikes against al Qaeda in response to the embassy bombings in Kenya and Tanzania in 1998. However, the strikes failed to kill bin Laden, any of his top deputies, or disrupt the 9/11 plot.¹⁷⁷

There is some evidence that Pakistani intelligence personal tipped off bin Laden about the strike because of their sympathies to him and his cause. The way that Pakistani intelligence found out about the strikes was when the US had to get permission from Pakistan to launch missiles over its airspace into Afghanistan. It was important to inform Pakistan about the strike because a war could have been started if the Pakistanis thought the missiles were coming from India. The criticism that President Clinton got for timing of the missile attack during the Lewinsky scandal, as well as the seemingly harmless pharmaceutical factory bombed in Sudan, had a deterring effect on future US air

¹⁷⁶ Kean, Hamilton, p.142

¹⁷⁷ Ibid, p.170

strikes.¹⁷⁸ The Counterterrorism Security Group headed up by Richard Clarke hoped that the 1998 strikes were not a one-time affair, but the principals disagreed with him on future strikes because of what they felt were wastes of multi-million dollar missiles on primitive, jingle-gym, terrorist training camps. General Shelton, who was at that time the head of the Joint Chiefs, aired the same concerns about using these expensive cruise missiles on primitive training facilities and wanted actionable intelligence before agreeing to another air strike.

President Clinton was concerned about inspiring more terrorist recruits with unsuccessful air strikes. His National Security Advisor Sandy Berger also believed that another failed strike against bin Laden would make him stronger by creating an aura of invincibility around him by his followers and supporters.¹⁷⁹ General Zinni of Central Command was apprehensive about future air strikes as well because of the potential of collateral damage, as exemplified by the Sudan pharmaceutical factory. Below General Zinni, Special Forces Commander Peter Schomaker wanted the authority to go after bin Laden without going through Central Command and Zinni, but the Joint Chiefs never gave him that authority.¹⁸⁰

The Joint Chiefs and the Clinton principals ruled out a full-scale invasion of Afghanistan because of the fear of what Pakistan would do and how an invasion of Afghanistan would cause greater instability in Pakistan politically. There was also no public support at that time for an invasion of Afghanistan. The incoming Bush Administration was frustrated with the available options and did a policy review of the military options against al Qaeda when they assumed office. Dr. Rice, Secretary

¹⁷⁸ Ibid, p.172

¹⁷⁹ Strasser, p.171

¹⁸⁰ Kean, Hamilton, p.198

Rumsfeld, former Deputy Secretary of Defense Paul Wolfowitz, and President Bush all agreed that they would not strike any al Qaeda installations in Afghanistan in response to the USS Cole attack.¹⁸¹ Their reasoning was that too much time had elapsed since the attack, and they wanted to get away from the tit-for-tat responses against al Qaeda, as they believed was the case with the 1998 cruise missile response. Secretary Powell explained to the 9/11 Commission that the only real option that had a chance for success was a full-scale military invasion to capture or kill bin Laden. As mentioned previously, there was no public support for such military action at that time. Richard Clarke also believed that besides the lack of public support, there was reluctance within the military to retaliate against Afghan terrorist camps.¹⁸²

Part of that reluctance was the result of the failed 1998 air strikes. The Clinton Administration did not retaliate for the Cole because they did not have clear-cut evidence that al Qaeda was responsible for the attack, even though the attack fitted the style that al Qaeda used. The lack of evidence was also the reason why there was no military response to the 1993 WTC attack. The intelligence was clear-cut and actionable during the 1998 air strikes, which is why those strikes were carried out.¹⁸³ Besides intelligence used to justify military action, the US failed to adapt to the tactics used by al Qaeda prior to 9/11, while al Qaeda was considering several different tactics to exploit the weaknesses against US targets domestically and internationally.

2. Changing Tactics of Terrorists and the Military's Tactical Adjustments

¹⁸¹ Ibid ,p.292

¹⁸² Strasser, p.169

¹⁸³ Ibid, p.89

The USS Cole attack along with the embassy bombings in 1998 demonstrated the ability of al Qaeda to carry out operations that were planned well in advance to occur simultaneously. Abd al Rahim Nashiri, who was in charge of al Qaeda operations in the Arabian Peninsula, was instructed by bin Laden to attack US naval ships docked in the Gulf of Aden in Yemen.¹⁸⁴ Bin Laden told Nashiri that it would be easier to attack a ship while in dock, rather than the open sea, where the sailors would be more vigilant about watercraft approaching the ship.

While al Qaeda considered many tactics to use in an attack, the US government was not making the same kind of adjustments to cope with the changing threat to the United States. Secretary Rumsfeld said before 9/11, his priority was to transform the military to be ready for the 21st Century, not counterterrorism.¹⁸⁵ I believe that Secretary Rumsfeld was shortsighted in his narrow obsession of transforming the military to his liking, rather than focusing the military on the more immediate threat of terrorism. Before Rumsfeld became Secretary of Defense, General Shelton in the Clinton Administration expressed hesitation with special operations that carried over to the Bush Administration in the months before 9/11. Secretary Rumsfeld explained that the Bush Administration did not want to initially start with special operations, while the Administration was doing a policy review of how they wanted to handle al Qaeda and the Taliban. Shelton believed that the failures of the 1980 rescue mission in Iran and the Blackhawk Down incident in Somalia in 1993 raised the awareness of the consequences of failed special ops.¹⁸⁶ Secretary Cohen was well aware of the consequences of special ops and told the 9/11 Commission that given the amount of troops currently deployed in Afghanistan not being

¹⁸⁴ Kean, Hamilton, p.220

¹⁸⁵ Ibid, p.300

¹⁸⁶ Strasser, p.104

able to find bin Laden, it would have been nearly impossible for a smaller special ops team to find bin Laden, given the problems with having a support structure of intelligence and search and rescue in place.

Secretary Powell did say in his 9/11 Commission testimony that the Bush Administration did want to expand its military options against al Qaeda, but needed more cooperation from Pakistan.¹⁸⁷ As mentioned previously, neither the Clinton nor Bush Administrations had much success in getting Congress to loosen up the sanctions on Pakistan. Secretary Powell did deliver an ultimatum to the Taliban about turning over bin Laden once before 9/11 and once after. The difference between the two ultimatums was that the second one was backed up by military force.

The policy change that the Bush Administration adopted was one of the 9/11 Commission's recommendations of keeping terrorists on the run, while denying them sanctuaries to operate in.¹⁸⁸ The strategies and policies of the United States had to change in light of the 9/11 attacks, as well as the understanding of the terrorist threat. Former National Security Advisor to President Bush Sr., Brent Scowcroft said, "In the late 1980's, terrorism was primarily a phenomenon which was state-sponsored or state-assisted or tolerated".¹⁸⁹ While al Qaeda would fit into the category of a terrorist organization that was supported by the state of Afghanistan under the Taliban regime, it has the ability, like other terrorist organizations, to move into different theaters to operate in, with or without the consent of the state they are in. Terrorists will continue to attack

¹⁸⁷ Ibid, p.92

¹⁸⁸ Kean, Hamilton, p.524

¹⁸⁹ Strasser, p.423

overseas targets because they are easier to plan, coordinate, and execute than attacks on American soil.¹⁹⁰

I believe that more steps have been taken to enhance homeland security by making it harder to infiltrate the US. This does not mean that al Qaeda or any offshoot terrorist cell no longer desires to attack the homeland, but rather it is harder to clear the security checkpoints at ports of entry, meaning that it would take longer to get operatives into the United States. The FBI is now more aware of the possibility of terrorists entering the US and is taking steps to arrest those who have been able to breach the security at our entry points, whose intent is committing terrorist acts. What the FBI cannot do, and what the military needs to do is go after the masterminds abroad because the FBI does not have the capability to capture or kill them.¹⁹¹

Another responsibility of the military is the invasion of foreign nations to deny sanctuaries for terrorists. The military has to learn that conventional tactics do not work against terrorists and insurgent groups, which means the military has to adapt against the enemy with counterinsurgency tactics and nation-building skills. The military has to also increase its overall numbers because boots are needed on the ground to effectively implement the afore mentioned policies.¹⁹² I believe that the increase in the size of the military need not be massive because more units will be made available, once the force level is drawn down in Iraq and possibly Afghanistan. Technology can greatly aid the troops, but cannot replace the need of having a sufficient number of troops on the ground. Soldiers themselves have to be ready for high-intensity conflict and peacekeeping

¹⁹⁰ Ibid, Scrowcroft. p.423

¹⁹¹ Ibid, p.461

¹⁹² Boot, Max. "The Struggle to Transform the Military." *Foreign Affairs*, EBSCOhost. *Academic Search Premier*. (accessed 2 May, 2007.)

missions. Units of soldiers and marines need to be kept together in order to foster the cohesion necessary on the battlefield.¹⁹³ The soldiers will need heavily armored vehicles and body armor for the missions it will face against terrorists and insurgents in Iraq and elsewhere. This means the military must do away with expensive projects that were designed to fight conventional forces such as the F-22 Raptor, the missile defense shield in Alaska and Eastern Europe, as well as Virginia class submarines. War games must include unconventional attacks in order to prepare military personnel for what terrorists will do inside and outside of the combat zone.

Within the top brass of the military, layers of bureaucracy have to be eliminated so that troops can more quickly carry out their missions. One example of the problem was the wait of 3 to 5 days for Special Forces in Afghanistan to get mission approval from high command.¹⁹⁴ Besides direct action units like the Navy SEALs and Delta Force, additional special forces units are in need for gathering intelligence, which requires the ability to move in and out of different cultures and languages. The US should continue the policy of using Special Forces trainers to train foreign troops to expand the number of personnel engaged in counterinsurgency operations. Another good idea would be establishing an American foreign legion, like the French do, where American officers direct troops from foreign countries who would be eventually offered US citizenship as incentive for service, as well as generous pay grades.¹⁹⁵ Another idea that the US should consider implementing is the creation of an international police force.¹⁹⁶ This police force would be under a part of the American government, but would differ from the military in

¹⁹³ Ibid

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Drozdiak, William. "The North Atlantic Drift". *Foreign Affairs*. EBSCOhost. *Academic Search Premier*.

that the police would keep the peace and investigate, as oppose to conducting offensive military operations. The success of the EU police force in taking over from the American military in the Balkans demonstrates that it is possible for a well-trained police force to take over from military personnel in a former combat zone. Such a police force could be used in Iraq and Afghanistan if military forces are ever able to bring the level of violence down to where police officers could handle it. When and where these are deployed depends on where policymakers desire to use military force to overthrow governments associated with terrorism.

Some favor preemption to be used against un-deterrable, non-state actors such as terrorists.¹⁹⁷ I believe that the it is in the national security interest of the United States to eliminate terrorists before they have an opportunity to carry out their attacks. But, preemption has to be limited to specific terrorist targets, with a full-scale invasion of another country considered a last resort option. I would argue the policies of the Bush Administration have placed too great of an emphasis on the military tools of the US, stretching the doctrine of preemption to the point where the American military cannot respond to any kind of crisis that emerges elsewhere in the world.

¹⁹⁷ Powell, Colin. "A Strategy of Partnerships". *Foreign Affairs*. <[www://http.foreignaffairs.org](http://www.foreignaffairs.org)>

Conclusion

What the US should do is use deterrence and defense when addressing the threat of terrorism. I believe these related actions are tools at the disposal of the US government, which can ill afford to favor one tool over another. They are also what the 9/11 Commission recommended for implementation. Indeed, I argue that analysis shows that their recommendations are the best way to prevent another terrorist attack from occurring against American targets, whether overseas or domestic. I believe that the authority and expertise of those serving on the commission, combined with the bipartisan support of the recommendations, adds credibility to the findings of the commission.

Attacking terrorists will include both military and diplomatic measures. Military options include assassinations and special operations; diplomatic tools can be used to constrain the ability for terrorists to travel and place pressure on governments that harbor terrorists. Preventing the growth of Islamic terrorism should include militarily taking out terrorist leadership while using diplomacy to both provide a message of hope and a willingness to listen to grievances within the Muslim world. Protecting against terrorist attacks also includes upgrading the border, port, and infrastructure security within the United States and abroad, including American installations such as embassies and military bases. Preparing for terrorist attacks is also the responsibility of homeland security agents and local officials committing themselves to training exercises so that emergency responders are prepared to handle any imaginable situation. The cumulative effect of using all of the tools at the disposal of the United States is essential so that terrorists do not exploit our emphasis on one tool over another.

The starting point for counterterrorism policy begins with the defense of the homeland of the United States. Before 9/11, proper measures were not taken at the entry points of the US to prevent terrorists from entering the country. It was easy for many of the 9/11 hijackers to obtain visas to enter America because the vetting process for Saudis was lax by the State Department. There was no comprehensive national database for American security officials to look at to compare the names of those entering the US against the database. Airport security procedures allowed the hijackers to carry box cutters and knives smaller than 4 inches onto the hijacked airplanes. The cockpit doors were not hardened to prevent unwanted intrusion, and flight crews were given no instructions on how to handle hijacked aircraft intended for suicide missions. NORAD and NEADS were not prepared to handle domestically hijacked commercial airplanes, especially with the communication breakdown between the domestic military installations and the FAA. The FAA had no ability to track the aircraft once the transponders were turned off, except for the limited ground radar of airports, which did not identify the aircraft.

Communication on the ground after the planes hit the WTC was horrendous; firefighters could not communicate with their commanders on the ground floor. Firefighters and police officers overwhelmed the emergency situation by coming into the WTC without being called to the scene. The WTC evacuation did help save many lives, but many others were lost when security officials told employees to stay where they were at. It was particularly unhelpful for 911 responders to tell those above the impact zone in the Towers to go to the roof for helicopter rescue, even though NYPD officials deemed it impossible to attempt such a rescue with the smoke, heat, and toxic materials on the roof.

The 9/11 Commission recommendation of having a comprehensive database of those to be denied entry into the US should be fulfilled. A national database has been created, but there have been problems with mistaken identity where innocent people are denied the ability to travel commercially. The FAA must have the ability to communicate clearly with the military when terrorist hijackings occur. This raises the importance of training exercises so that all agencies involved can become accustomed to working with another when an actual emergency happens. I would argue that exercises and drills are needed for personnel who work at high-value terrorist targets so they know what to do in case of an emergency. The infrastructure of these high-value targets must be in such condition as to minimize the damage done by a terrorist attack. If the possible terrorists do find entry into the United States, their whereabouts must be closely monitored by the FBI and local law enforcement. I believe communications must be closely monitored to watch for terrorist coming into the US, yet these communications intercepts must be held accountable by respecting the civil liberties of the citizens of the United States by going through some kind of judicial review, such as the FISA Court. The FISA Court will need to be reformed because this Court has rarely turned down government wiretap requests, and the top secret nature of the Court means that oversight is limited by the Congress. Possible solutions include increasing the oversight role of Congress, and amending the original FISA legislation to include the new forms of communication such as the Internet, text messaging, and instant messaging. Truly independent oversight broad is needed to make sure that civil liberties are not violated because the current arrangement of the board being within the executive places it too close to the influence of the President. But

the oversight broad and homeland security cannot properly function without the work of the intelligence community.

The intelligence community was unable to connect the dots before 9/11 on different pieces of intelligence suggesting a terrorist attack on American soil. Different agencies did not share the intelligence they possessed, which had a direct effect on the ability of analysts to put the pieces together. Many of these obstacles to information-sharing were solved by the creation of the National Intelligence Director and the National Counterterrorism Center, which was designed as a place where officials from different agencies work together in the same place toward the same mission. Where the intelligence community still needs to improve, I believe, is in the field of covert action, especially in light of the failed attempts to capture or kill bin Laden prior to 9/11. It is difficult to gauge the success of covert action because of its classified nature, but there is another way to find out the success of covert action: when the news media reports the capture or killing of a major terrorist leader. Unfortunately, the job of the intelligence community has gotten more difficult since 9/11 because the pool of potential terrorists has expanded exponentially. The bombing of the Glasgow Airport revealed that professionals with good jobs and families are willing to carry out terrorist attacks. What has happened is, “the most dangerous extremists are not embittered young men without jobs or hope. They are the sons of elites or, more typically, the sons of the elite, who are working out some grievance or vengeance and have the know-how and means to find truly dangerous weapons”.¹⁹⁸ The intelligence community now has to look at all those citizens in hostile countries and societies as potential terrorists. Professionals, such as the doctors in the UK demonstrate that the message of Islamist terrorism does resonate with

¹⁹⁸ Hosenball, Mark and Evan Thomas. “Doctor of Death”. *Newsweek*, 16 Jul. 2007, 38-39.

more than just those who are poor and without work. Something that the intelligence community cannot improve is congressional oversight.

The Congress has failed to reform itself, despite having many years to do so after the 9/11 Commission Report was released. I believe the intelligence community can only function properly if there is a streamlined, coherent, committee structure for it to report to in Congress. Members in the legislature who have expertise on intelligence matters should be allowed to stay on their committee assignments because they have the best ability in the Congress to understand how the intelligence community functions and what they need to be successful. More broadly, the United States government needs to understand why the message of Islamist terrorism appeals to many Muslims, including those who have had Western-style education.

This is where diplomacy comes in as an important tool in the struggle against terrorism. I believe the US should continue the standard options in diplomacy, which include using sanctions against states that support and harbor terrorists, making terrorist travel more difficult with tamper-proof passports, establishing vigilant security at international points of entry such as airports, and defining and articulating what the US stands for internationally. American should also commit to allowing two-way communication with the Muslim world, where the US listens to the complaints and grievances that Muslim people have with American foreign policy. Fareed Zakaria puts it best when he says, “The United States should make sure that it is listening to these voices, new and old, and recognize that to function effectively in this new world, it can lead only through partnerships, collaborations, and cooperation”.¹⁹⁹ Cooperation and all

¹⁹⁹ Zakaria, Fareed. “Beyond Bush: What the world needs is an open, confident America”. *Newsweek*. 11 Jun. 2007, 29.

of the afore mentioned ideas are worthwhile endeavors, but they will have inadequate without sound foreign policy.

I believe the abuses at Abu Gharib and Guantanamo Bay, as well as the Iraq War itself have undermined the goodwill the United States had in the wake of 9/11 in almost all other countries in the world, particularly in Muslim countries. The Iraq War has fed into the arguments bin Laden has made that the US intends to occupy Muslim countries, steal their natural resources, and confront Islam. I would argue that terrorists can use the Iraq War as a recruiting tool, not just to join existing terrorist organizations, but start their own cells in their home countries, which increasingly includes Europe. These would-be terrorists are inspired by the argument that America is acting unilaterally to further its own empire. I believe that some Iraqis are being inspired to become terrorists because they see these arguments in action in Iraq every day.

President Bush has a noble goal of spreading freedom and democracy to the Muslim world, but that cannot be done at the end of a gun. Societies within Muslim countries have to develop the ideas and institutions of democracy before there is any outside involvement from the US. Moreover, there is a difference between electoral democracy as seen in Iraq, Lebanon, and the Palestinian Territories, and the institutionalized and consolidated democracies found in Europe and the US. Electoral democracy alone means having elections without the institutions to preserve democracy, which include a solid constitutional basis, with a legislature, judiciary, and an executive, with all branches being accountable in some way. Without these necessary institutions, democracy separates along sectarian or ethnic lines, with civil war following as a distinct

possibility. Trying to build democracy without existing institutions has also strained our military by placing demands on it that it has not been trained to fulfill.

The military was not used effectively to curb the activities of al Qaeda before 9/11. The problem has now reversed itself with the military becoming overstretched. It is important to use the military wisely because there is finite number of troops and resources. Therefore, the US must look to its allies to assist in military operations against Islamist terrorism. There is still the necessary military mission of denying terrorists sanctuaries; but the military must be used as a precision tool, with full-scale invasions considered as an absolute last resort. The military is in the process of learning how to integrate counterterrorism and counterinsurgency tactics into the forces. This process should continue with the support of both the Congress and the Executive. I believe the most important thing to learn from the Iraq War is that the military is the most precious resource of this country, and should be used intelligently, with the support of the American public and our allies.

The US will be able to better prevent and prepare against another terrorist attack when all recommendations of the 9/11 Commission are adopted. The good news is that the new Democratic Congress has created legislation that President Bush signed in the summer in 2007 to implement the remaining recommendations of the 9/11 Commission.²⁰⁰ The components of the bill include the following: inspection of all US-bound cargo from the overseas port cities, complete inspection of all cargo on passenger airplanes within 3 years, \$4 billion in grants for mass transit (rail, airplane, bus), encourage information-sharing from state and local governments to the federal

²⁰⁰ Smith, Donna. *Congress approves September 11 legislation*. Reuters. 27 Jul. 2007. <http://www.reuters.com/articlePrint?articleId=USN272687492007727> (17 Dec. 2007).

government, and provide the funds needed to assist the upgrading of communications for first responders. The Republicans added a provision that would give legal protection to people who report suspicious activity in the surrounding area of transportation systems. All of these provisions combined with previous legislation to reform the intelligence community and improve homeland security will be beneficial in preventing another terrorist attack from occurring. I believe the one area that has not sufficiently improved is the diplomacy needed for the United States to improve its image in the world. Since it is the president who is the face of American foreign policy, it will take a new administration to do the heavy lifting necessary to both listen to the Muslim World and properly respond with soft power. The ultimate way to diminish the impact of Islamist terrorism is to remember the words of Fareed Zakaria when he said, “If we are not terrorized, then in a crucial sense we have defeated terrorism”.²⁰¹

²⁰¹ Ibid, p.26

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